



Crl.O.P.No.22363 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22363 of 2022

Elumalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10, MGR Nagar Police Station.

(Crime No.395 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.395 of 2022 on the file
of the respondent Police.

For Petitioner : Mr.R.Rajprabhu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2022, for the offences punishable under Section 4 of TNPHW Act, 2002, in Crime No.395 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had a love affair with the de-facto complainant for the past six years and thereafter, the de-facto complainant stopped talking to the petitioner and on 01.03.2022, the petitioner had contacted her again, whereas, the de-facto complainant refused to speak to him due to which the petitioner, threatened her that he will upload the private photographs that were taken by them earlier in Instagram and thereby, the de-facto complainant attempted to commit suicide by consuming tablets. Hence, the complaint.

3. The learned counsel appearing for the petitioner is an innocent person who has love affair with the de-facto complainant for the past 6 years and due to some misunderstanding, the false complainant has been given



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against the petitioner. He would further submit that he had only threatened her and not uploaded any of her photographs. He would also submit that the petitioner is in custody from 11.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit the petitioner had a relationship with the victim and when the victim girl stopped talking to the petitioner, he threatened her that he will upload her private photographs in the social media, due to which, she attempted to commit suicide by swallowing tablets. He would also submit that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned learned Additional Public Prosecutor for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering that there is no previous case against him, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. and 05.30p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC;

[g] the petitioner shall file an Affidavit of Undertaking that he will not contact the victim girl or harass her in any manner.

16.09.2022

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R-10, MGR Nagar Police Station.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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