



Crl.O.P.No.23623 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.23623 of 2022

S.M.Abdullah

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-3, Muthialpet Police Station,
Flower Bazaar, Chennai

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.238 of 2022 pending on
the file of respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 13.09.2022, for the offences punishable under Sections 385,506(i) IPC and 66D, 67 A of Information Technology (Amendment) Act, 2008 in Crime No.238 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner projected himself as a female and had honey chat with the defacto complainant's father, pursuant to which, the defacto complainant's father had shared his family photographs to the petitioner. Thereafter, the petitioner had morphed the family photographs and threatened the defacto complainant's father and demanded ransom for not uploading the photographs in the social media.

3. The learned counsel for the petitioner would submit that the defacto complainant's father and the petitioner are friends in social media and due to misunderstanding false complaint has been lodged. He would further submit that the petitioner and the defacto complainant belong to the same religion and due to intervention of the members of the said religion, the



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matter has been compromised. He would further submits that the petitioner had apologized to the defacto complainant's father and the same has been accepted by the defacto complainant and there is a likelihood of settlement. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner posing himself as a lady had honey chat with the defacto complainant's father, pursuant to which, the defacto complainant's father had shared his family photographs to the petitioner. Thereafter, the petitioner had morphed the family photographs and threatened the defacto complainant's father and demanded ransom for not uploading the photographs in the social media. He further submits that the matter seems to have been settled between the parties. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.



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6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

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 XVI Metropolitan Magistrate Court, George Town**, 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, daily at 10.30 a.m., for a period of two weeks and thereafter report before the respondent police on every Saturday at 10.30.a.m., until further orders.

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



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

[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.

30.09.2022

Sma

To

1. The XVI Metropolitan Magistrate Court,
George Town.
2. The Inspector of Police,
N-3, Muthialpet Police Station,
Flower Bazaar, Chennai
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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