



Crl.O.P.No.24806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

Crl.O.P.No.24806 of 2022

Manojkumar

... Petitioner

Vs.

State Rep.by its,
The Inspector of Police,
City Cyber Crime Police Station,
Coimbatore City,
Coimbatore.
(Crime No.4/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased 'to enlarge the Petitioner on Bail in Crime No.4 of 2021 on the file of
the City Cyber Crime Police Station, Coimbatore City (CCD-II).

For Petitioner : Mr.A.Mohamed Ismail

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.09.2022, for the offences punishable under Sections 507 and 509 of IPC, Section 67 of Information Technology Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.4 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a senior of the defacto complainant in the college, by morphing had sent obscene photographs of the defacto complainant to her mobile phone, threatened her and thereby, caused harassment to her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are college mates and they are known to each other for sometime and due to some misunderstanding, a false complaint has been given as against the petitioner. He would further submit that after the arrest of the petitioner, his mobile phone has been recovered by the respondent police and the petitioner was arrested only after a detailed



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investigation and there is no chances of the petitioner hampering with the investigation and tampering with the evidence. He would also submit that the petitioner after coming out of jail, is ready to file an affidavit of undertaking before the learned Judicial Magistrate that he will not interfere with the defacto complainant. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is known to the defacto complainant had sent obscene photographs, morphing the defacto complainant's face and threatened and harassed her. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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Judicial Magistrate-IV, Coimbatore, that he will not interfere with the defacto complainant;

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

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

[f] 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]**;

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

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To

1. The Judicial Magistrate-IV, Coimbatore.
2. The Inspector of Police,
City Cyber Crime Police Station,
Coimbatore City,
Coimbatore.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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