



Crl.O.P.No.24838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No. 24838 of 2022

Arunkumar

... Petitioner

Vs.

State rep., by
The Inspector Police,
T-15, SRMC Police,
Tiruvallore District,
In Crime No.515/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.515/2022, on the file of T-15, SRMC Police, Tiruvallur District.

For Petitioner : Mr.M.Prabhakar

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 15.09.2022, for the offences punishable under Sections 354, 354(D) of IPC r/w Section 66 E, 67 A of IT (Amendment) Act, in Crime No.515 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 had taken photographs of his wife, while she was taking her bath and that he used to continuously harass her by looking into the bath room. Hence, the complaint.

3. Learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are neighbours and due to previous enmity, a false complaint has been given as against the petitioner. He would further submit that the petitioner's mobile phone was also recovered by the police and that there was no photographs found in the mobile phone. He would also state that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he



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prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit the petitioner had taken photographs of the wife of the defacto complainant, while she was taking her bath and that he used to continuously harass her by looking into the bath room. Hence, 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.

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

7. Accordingly, the petitioner is ordered to be released on bail



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on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamallee**, 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 stay at Tindivanam and report before the Inspector of Police, Town Police Station, Tindivanam, daily at 10.30 a.m., and 05.30 p.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;

[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



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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.

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To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector Police,
T-15, SRMC Police,
Tiruvallore District,
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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