



Crl.O.P.No.24812 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. 24812 of 2022

Karthikeyan

.. Petitioner

Vs.

State Rep. by
Inspector of Police,
All Women Police Station,
Saidapet, Chennai - 15
In Cr.No.4 of 2022.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail, concerned in Crime No.4 of 2022 on
the file of the Respondent Police.

For Petitioner : Mr.N.Senthil Kumar

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 06.08.2022, for the offences punishable under Section 354(c) of IPC and Section 66 E of IT Act r/w 14(1) of POCSO Act, 2012, in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Elankali is that the accused had downloaded the profile photo of her daughters from Whatsapp and thereafter, morphed the same as obscene photograph and sent it back to her daughters' mobile phone. Thereafter, the accused had sent voice message threatening the children of the defacto complainant that he would upload the obscene photos in social media. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that petitioner is an innocent person and his mobile number has been misused by somebody and message has been sent to the defacto complainant's daughters. He would also submit that the petitioner is in custody from



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06.08.2022. He would further submit that in this case, charge sheet has not been filed so far and the major part of the investigation is over. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner had somehow got the mobile numbers of the defacto complainant's daughters and he had befriended them through their Whatsapp and had downloaded their profile photos and thereafter, had morphed them and shown them in an obscene manner and had sent the very same photos to the daughters of the defacto complainant. Further, he has also threatened the daughters of the defacto complainant that he would upload the obscene photographs in the social media. He would also submit that the petitioner's mobile phone has been recovered and sent for forensic analysis and that the preliminary investigation reveals that messages had been sent from the petitioner's phone. He would further submit that the investigation is pending and the charge sheet has not been filed so far. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel, the period of incarceration suffered by the petitioner and also the statement recorded from the victim girl under Section 164 of Cr.P.C., 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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of Cases under POCSO Act, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Kancheepuram and report before the Inspector of Police, All Women Police Station, Kancheepuram daily at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent police as and when required for interrogation;

[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 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.

14.10.2022

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai
2. The Inspector of Police,
All Women Police Station,
Saidapet, Chennai - 15
3. The Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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