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Crl.O.P.No.25888 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25888 of 2022

Sathiya @ Sathiya Priya

... Petitioner

Vs.

State by:-

The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai – 7.

(Crime No.95 of 2022)

.. Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.95 of
2022 on the file of the respondent police.

For Petitioner : Mr.B.Rajesh Kumar

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under Sections 509 r/w 109, 354(A) of IPC, Section 67 of IT (A) Act and Section 4 of TNPHW Act in Crime No.95 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Dhoulath Nisha is that the petitioner along with A1 posted her mobile number in the Facebook social media as Chennai item phone number. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given. He would further submit that the petitioner was arrested on 20.09.2022 and the petitioner is in judicial custody for nearly one month. He would also submit that the major part of the investigation is completed and the petitioner is prepared to comply with any stringent condition imposed by this Court and he prays for grant of anticipatory bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused had posted the mobile number of the defacto complainant in a social media called as chennai item phone number. He would further submit that on investigation, the message has been sent through petitioner's IP address. Hence, he opposed for grant of 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 for the petitioner and also considering the period of incarceration suffered by the petitioner, 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 Additional Chief Metropolitan Magistrate, Egmore, Chennai and on further conditions that:



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[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., 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 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.

20.10.2022

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To



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1. The Additional Chief Metropolitan Magistrate,
Egmore,
Chennai.
2. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai – 7.
3. Central Prison for Women,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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