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CrI.O.P.No.26014 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

CrI.O.P.No.26014 of 2022

Prathap @ Sachu @ Justin Prathap

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai – 600 007.
Crime No.95 of 2022

.. Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in C.C.No.11461 of 2022 on the file
of Hon'ble Additional Chief Metropolitan Magistrate, Egmore at Chennai.

For Petitioner : Mr.A.Vinoth Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under Sections 509 of IPC @ 509 of IPC r/w 109, 354(A) of IPC and Section 67 of Information Technology Act 2000 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 1998 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 co-accused 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 investigation has been completed and the final report has also been filed. He would further submit that the petitioner is under custody from 20.09.2022 and hence he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is arrayed as A1 and he along with other accused had posted the mobile number of the *de-facto* complainant in a social media called as Chennai item phone number. 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



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the learned Additional Chief Metropolitan Magistrate at Egmore, 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 Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned Additional Chief Metropolitan Magistrate at Egmore, Chennai on all working days 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



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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.

27.10.2022

mpl

To

- 1.The Additional Chief Metropolitan Magistrate
at Egmore,
Chennai.
2. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai – 600 007.
3. Central Prison - II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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