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Crl.O.P.No.29943 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.29943 of 2022

Karthick

...Petitioner

Vs.

State rep by
Inspector of Police,
Erumapatti Police Station,
Namakkal District.
(Crime No.171 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.171 of 2022 on the file of the Inspector of Police, Erumapatti Police Station, Namakkal District.

For Petitioner : Mr.B.Vasudevan

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 30.06.2022 for the offences punishable under Sections 294(b), 376, 506(i) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 read with Section 66(D) of Information Technology Act in Crime No.171 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused in this case had indulged in sexual intercourse with the defacto complainant. The petitioner, who is the friend of the first accused had video graphed the same and threatened the defacto complainant that he will upload the same in the social media and also threatened her to have intercourse with him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) would submit that there are totally three accused, in which the petitioner is arrayed as A2. The specific overt act as against the petitioner is that the petitioner had video graphed while the first accused and the defacto complainant were having physical relationship and threatened the defacto complainant to have physical relationship with him. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his separate bond for a sum of **Rs.10,000/-** (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate, Sendamanagalam** 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 twice daily at 10.30 a.m., and 04.30.p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2022

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To

1. Judicial Magistrate,
Sendamangalam.
2. The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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