



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

CRL.O.P.No.31828 of 2022

Selvarasu @ Selvaraj

... Petitioner

Versus

State Rep by

The Inspector of Police,

Kangayam All Women Police Station,

Tiruppur District.

(Crime No.21 of 2022)

... Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in connection with Crime No.21 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.10.2022 for the offence under Sections 354 and 506(ii) IPC in Crime No.21 of 2022 on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the petitioner is a OHT operator of Nathakadaiyur Panchayat, Kangeyam Union, Tiruppur District with ID card issued by the Rural Development and Panchayat Department, Government of Tamilnadu, Block Development Officer, Kangeyam and he had peeped into the window of the defacto complainant's bathroom and taken videograph of her activities while taking bath and on finding the same the complainant raised hue and cry against the petitioner, for which the petitioner threatened her with dire consequences that he would spread the same in whatsapp group. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been foisted as against the petitioner. He would further submit that the petitioner is no way connected with the alleged offence, due to previous enmity, the defacto complainant lodged a complaint. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had peeped into the window of



the defacto complainant's bathroom and taken videograph of her activities while taking bath and on finding the same the complainant raised hue and cry against the petitioner, for which the petitioner threatened her with dire consequences that he would spread the same in whatsapp group. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and the circumstances of the case and also considering that the investigation is almost completed and that 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 executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of Judicial Magistrate, Kangeyam, and on further conditions that:

[a] the petitioner and 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 is directed to report before the respondent police on every Sunday at 10.30 a.m., for a period of eight weeks and thereafter appear before the trial Court on all hearing dates;



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[c] the petitioner shall not communicate with the victim through any mode till the disposal of the case.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.12.2022

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Copy to:

1. The Judicial Magistrate,
Kangeyam.
2. The Inspector of Police,
Kangeyam All Women Police Station,
Tiruppur District.
3. The Sub-Jail, Dharapuram.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.
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