



Crl.O.P.No.666 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.666 of 2023

N.Bharath,
S/o.Nagaraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thirvottiyur Police Station,
Chennai District.
(Crime No.969 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.969 of 2022 pending on the file of respondent police.

For Petitioner : Mr.V.Gunasekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.12.2022 for the alleged offence under Sections 294(b), 354A(1)(ii), 506(ii) of IPC and Section 4 for Prohibition of Women Harassment Act in Crime No.969 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner and the defacto complainant are school friends even after completion of school they were contact each other. According to the defacto complainant, in recent days the petitioner is making video calls and demanding sexual favours from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for petitioner submitted that defacto complainant along with three others had attacked the petitioner and had taken away his bike and mobile and hence, the complaint came to be lodged by the petitioner and this is a complaint filed to wreck vengeance. He would submit that he has not at all committed any of



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offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 18.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that both of them are school friends and it is complaint of the defacto complainant that he is sexually harassing her through whatsapp and chatting messages, cell phone seized and investigation is on. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the nature of the offence alleged, the petitioner is prohibited for making calls to the defacto complainant either video calls or whatsapp messages. Considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the



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petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 the **learned Judicial Magistrate, Thiruvottiyur Court**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 on every Sunday at 10.30 a.m. for the period of three months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the



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learned Judicial 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.

11.01.2023

vsn

To

1. The Judicial Magistrate,
Thiruvottiyur Court.
2. The Inspector of Police,
Thiruvottiyur Police Station,
Chennai District.
3. The Central Puzhal Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

vsn

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