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Crl.O.P.No.6662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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

Crl.O.P.No.6662 of 2023

Andrews Cardwell

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Chitlapakkam (Selaiyur Range)
Chennai.

Suo-Moto Case Transferred from Pallikaranai Police Station,
Chennai.

(Crime No.112 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.112 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Arivazhagan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.01.2023, for the offences punishable under Sections 376, 354, 406 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.112 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had cheated and transmitted the obscene material against de-facto complainant. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned Counsel for the petitioner submitted that the petitioner/A1 is a bachelor and he is in Service of the Police Department for the past 26 years, he is a Sub Inspector of Reserved Police. He further submitted that the de-facto complainant came to the Police Station and often borrowed amount from the petitioner to meet out her daily needs. In fact, already she was married with one Mr.John Prathap and got divorced in I.D.O.P.No.21 of 2017 before the Family Court at Chengalpattu.



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But suppressing the above fact, she had developed her relationship with the petitioner and later he came to know that she intends to harass the bachelors and getting extort money from him. Further, he would submit that the de-facto complainant gave false complaint against the petitioner and the petitioner had never indulged any offence as alleged by the prosecution. He further submitted that co-accused/A2 was arrested and released on Bail in Crl.M.P.No.2620 of 2022 dated 05.07.2022 before the learned Principal District and Sessions Judge Chengalpattu. He also stated that the petitioner is in custody from 13.01.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) admitted that the petitioner is A1 in this case. He further submitted that the petitioner was a Sub Inspector of Police and he misused his position and misbehaved with the de-facto complainant and published her nude photos in Social Media and also threatened her and extort money from her. Hence, the complaint was raised against the petitioner and now, he is suspended from his service. He submitted that the investigation was completed and the petitioner also



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granted bail for some other cases. Thereby, he vehemently opposed grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also a fact that the investigation is completed and the petitioner also granted bail in some other cases and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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** (one surety must be a blood related surety), for a like sum to the satisfaction of the **learned Judicial Magistrate, No.1, Tambaram, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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., and 5.00 p.m., for a period of three months without fail; and shall not have any communication with the victim.

[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.

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1. The Judicial Magistrate Court No.1,
Tambaram, Chennai.
2. The Inspector of Police,
All Women Police Station,
Chitlapakkam (Selaiyur Range)
Chennai.
3. The Prisoner,
Central Jail, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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