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Crl.O.P.No.7611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.7611 of 2023

Jamaludeen

... Petitioner

Vs.

State rep. by

The Inspector of Police,

G-7 Chetpet Police Station,

Chennai - 600 031.

(Crime No.101 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail pending trial in C.C.No.8763 of 2022 on the file of Learned II Metropolitan Magistrate, Egmore, Chennai 600 008.

For Petitioner : Mr.P.Prince Premkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2022 for the offences punishable under Sections 341,



Crl.O.P.No.7611 of 2023

354(A), 384, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No. 101 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution Subali Ashok is that on 18.06.2022 at about 8.30 hours, she was sitting in his friend's car awaiting a ola car, the petitioner, by posing himself as a police man, has come there, threatened her and later, taken her mobile number and continued to harass her and taken Rs1,000/- from her and called her occasionally and misbehaved with her and also outraged her modesty. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him by the defacto complainant. He further submitted that the petitioner, pursuant to the arrest in both cases, have detained under Act 14 and pursuant to the order passed by the Commissioner of Police, Chennai dated 30.07.2022 and later, H.C.P.No.165 of 2022 was allowed on 08.03.2023. He further submitted that the petitioner is right from the arrest on 18.06.2022, he is in judicial custody for more than 10 months. He also submitted that the investigation has been



Crl.O.P.No.7611 of 2023

completed and charge sheet has also been filed in C.C.No.8763 of 2022 before learned II Metropolitan Magistrate, Egmore, Chennai and now pending for trial. He also submitted that the mother of the petitioner shall stand as surety to him and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The respondent has filed a detailed counter.

5.Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a case where the petitioner, by posing himself as a Police Man, has harassed the defacto complainant, who was sitting in her friend's car and by threatening her taken Rs.1,000/- and misbehaved with her and also outraged her modesty. He further submitted that the petitioner has got several other cases against him. He also submitted that the investigation has been completed and final report has been filed before the learned II Metropolitan Magistrate, Egmore, Chennai in C.C.No.8763 of 2022. Hence, he opposed for grant of bail to the petitioner.



Crl.O.P.No.7611 of 2023

WEB COPY

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 the **learned II Metropolitan Magistrate, Egmore, Chennai - 8**, 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 **II Metropolitan Magistrate, Egmore, on all working days at 10.30 a.m., for a period of four weeks and**



Crl.O.P.No.7611 of 2023

thereafter, on the date fixed by the learned Magistrate concerned; The petitioner shall also report before the Inspector of Police, H-5, New Washermenpet Police Station, on every Saturday at 6.30 p.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 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.

19.04.2023

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To

1.The II Metropolitan Magistrate, Egmore, Chennai - 8.



CrI.O.P.No.7611 of 2023

WEB COPY

- 2.The Inspector of Police,
G-7 Chetpet Police Station,
Chennai - 600 031.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7611 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7611 of 2023

19.04.2023