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Crl.O.P.No.8356 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8356 of 2023

Vinayagam @ Rajan Babu

... Petitioner

Vs.

State Represented by
The Inspector of Police
Bagayam Police Station
Vellore District
(Crime No.68 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail pending investigation in Crime
No.68 of 2023 on the file of the respondent herein.

For Petitioner : Mr.G.Mageshkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.03.2023, for the offences punishable under Sections 294(b) and 506
Part I IPC read with Section 4 of TN Prohibition of Harassment of Women
Act, in Crime No.68 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution as per the defacto complainant

Prakash is that the petitioner is the husband of the victim's sister and that the victim is a Judicial Magistrate. The petitioner has sent fake marriage invitations with photographs of the victim and the petitioner, to others and has caused emotional distress to the victim and her family members for the past 10 years. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him due to family dispute. He further submitted that the petitioner has been in judicial custody from 14.03.2023 and hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner/A1 is none other than the brother-in-law of the victim and he has sent fake marriage invitations with photographs of the victim and the petitioner, to others and for the past 10 years, he has caused emotional distress to the victim and her family members.



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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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**, each for a like sum to the satisfaction of the **Additional Mahila Court (Magistrate Cadre) Vellore**, 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 stay at Cuddalore and report before the Old Town Police Station everyday at **10.30 a.m. until further orders;**



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[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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To

1. The Additional Mahila Court (Magistrate Cadre) Vellore
2. The Inspector of Police
Bagayam Police Station
Vellore District
3. Jail, Central Prison, Vellore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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