



Crl.O.P.No.9297 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 506(i) of IPC and 67 of IT Act in Crime No.6 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant / Sindhubharathi is that her father was employed in TNEB and the accused was working as a Doctor on contract basis in EB hospital during the year 2019. During such time, the defacto complainant had gone to the accused for treatment, at that time, she got acquainted with the accused and the accused has proposed her for marriage and the defacto complainant, having respect on him, has agreed to marry him, after getting consent from both parents. While so, during June 2021, the accused has sent obscene messages from his mobile No.8124110281 to the defacto complainant mobile No.8124051910. When she had questioned about the same, the petitioner has informed that they would marry soon and also asked her to send obscene messages to him in reply to his messages. During such time, he had



continously sent messeages to her and he had also sent photos and pornography site link to her and asked her to see the videos. He had also asked her to send such videos. Believing that he would marry her, she had also sent several messages and videos to him. Later, by inducing physically and mentally, the accused had sexual intercourse with her on several occassions and he had also recorded the sexual acts in his mobile phone. Even during that time, the accused had convinced her that he will marry her and later he has started avoiding her after she informed him that her parents were looking for a groom and she insisted the accused to marry her. The further allegation is that during January 2023, she got an information that he was going to marry another women and when the defacto complainant had called him, he had refused to attend her call and when the defacto complainant had contacted his younger brother one Dr.Vaitheeswaran, he has also not given any reply and later, when she has met A1 and his brother, they have stated that A1 has relationship with her only for satisfying his lust and threatened her not to interfere in his life, if she does so, he will leak the videos and chats on the internet. Hene the case.



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3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are grown up adults. The defacto complainant is aged about 28 years and that they were in a consensual relationship for a long period of time. He would further submit that the defacto complainant had also sent several obscene videos to the petitioner and the relationship between them was only consensual in nature. Later the victim had blackmailed, threatened and compelled the petitioner to marry her and when the petitioner refused to marry her, the defacto complainant has given a false complaint as if the petitioner had cheated and induced her. He would further reiterate that the averments of the First Information Report would go to show that the relationship between them was for a long duration, which was consensual in nature and that it is not a case where the petitioner had induced the defacto complainant only for the purpose of satisfying his lust. He would further submit that the entire communications between the petitioner and the defacto complainant through Telegram would go to show that the petitioner had not induced her. He would further submit that the defacto complainant had averred that the petitioner has been sending messages from his mobile No.8124110281 to the defacto complainant. He would further submit that the petitioner has been using two



mobile Numbers in his One Plus 60 Pro Android mobile during the year 2018 to 2021 and subsequently from 2021 to till date, he has been using One Plus 9 R Android mobile and he is ready to surrender both the phones for the purpose of the investigation to that effect he is also ready to file an undertaking affidavit along with IMEI numbers of his both phones. Thereby, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) for the respondent would submit that the petitioner, who is a Doctor, has induced the defacto complainant and on the false assurance of marrying her, had sexual intercourse with her and later refused to marry her. He would further submit that the petitioner has also sent several obscene messages and videos to the defacto complainant through his mobile No.8124110281. He would also submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the defacto complainant/victim is an innocent lady and the petitioner, who is a Doctor by profession, has induced her, when she had gone for treatment and



by taking advantage of his profession, he had asked her to send several obscene messages and believing that the petitioner would marry her, she had also sent several videos. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned Counsels and perused the materials available on record including the FIR.

7. Admittedly, there has been a relationship between the petitioner and the defacto complainant from March 2021 and they were in a close relationship from June 2021 and they had been sharing obscene videos between them. Now the petitioner has filed an affidavit of undertaking stating that he is ready to surrender his two mobile phones, which were used during the relevant period.

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the affidavit filed before this Court undertaking to surrender both the phones, this Court is of the opinion that the custodial interrogation



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of the petitioner may not be required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Tiruvottiriyur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, out of which, one should be the blood relative of the petitioner, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 shall surrender his two mobile phones to the respondent Police for investigation and



obtain receipt from them and the receipt shall be produced before the trial Court at the time of surrender;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

10. Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is closed.

13.06.2023

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Note : Issue order copy on 22.06.2023



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