



WEB COPY



Crl.OP.No.9794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.9794 of 2023

G.Thirupal

... Petitioner

Vs.

State Rep by
Inspector of Police,
C-4 Govt. Hospital Police Station,
Chennai.
Crime No.28 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 28 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.AGD Balakumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



WEB COPY



CrI.OP.No.9794 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2023 for the offence punishable under Sections 354 C, 506(ii) of I.P.C. and Sec.66E of Information Act, 2000 r/w Sec.4 of the T.N. Prohibition of Harassment of Women Act, 2002 in Crime No.28 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the defacto complainant taking bath in a Government Hospital bathroom, at that time, she noticed that mobile phone was kept for taking video of her. Hence, she took the mobile phone and handed it over to the staff working there and lodged the present complaint against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that he is an uneducated person and he is working as a bathroom cleaner in the same Government Hospital for the past 3 years on contract basis and without proper enquiry, the police



CrI.OP.No.9794 of 2023

registered the present false complaint against him. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when the defacto complainant taking bath in the Government hospital bathroom, she noticed a mobile phone, which was kept there for taking video of her. He would submit that now his mobile phone was recovered and it was sent for expert opinion. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner is a sole accused and he was working as a bathroom cleaner in a Government Hospital and he has set up his mobile phone in a bathroom in order to take obscene pictures. The defacto complainant found the same and lodged a complaint. Now, the mobile phone was recovered and it was sent for expert opinion. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.



WEB COPY



CrI.OP.No.9794 of 2023

6. 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 blood related sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, George Town at Chennai** 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 respondent police daily morning at 10.30 a.m. and evening at 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation (OR) 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]**.



CrI.OP.No.9794 of 2023

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

rpp

To

- 1.The Judicial Magistrate,
George Town, Chennai.
- 2.Inspector of Police,
C-4 Govt. Hospital Police Station,
Chennai.
- 3.Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



WEB COPY



Crl.OP.No.9794 of 2023

G.K.ILANTHIRAIYAN, J.

rpp

Crl.O.P.No. 9794 of 2023

04.05.2023