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CrI.OP.No.10455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

CrI.OP.No.10455 of 2023

S.Manoj

... Petitioner/ A1

Vs.

The State Represented by,  
Inspector of Police,  
Erumapatti Police Station, Namakkal  
Crime No.96 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending further proceedings in Crime No.96 of 2023 on the file of the Inspector of Police, Erumapatti Police Station, Namakkal.

For Petitioner : Mr.R.Suryakumaran

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



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 02.03.2023 for the offence punishable under Sections 294(b), 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Sections 66E, 67, 67A of Information Technology Act, 2000 in Crime No.96 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that *de-facto* complainant's wife had lodged a complaint against the petitioner and other accused persons in Crime No.171 of 2022 on the file of the respondent police. On enlargement of bail in the aforesaid case, the petitioner along with co-accused were alleged to have circulated the obscene photographs of the *de-facto* complainant's wife in a social media, criminally intimidated her and when the same was questioned by the *de-facto* complainant, they also abused him. Hence, the case.



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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. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner along with other accused persons had circulated the obscene photographs of the *de-facto* complainant's wife in social media, criminally intimidated her and when the same was questioned by the *de-facto* complainant, they also abused him. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner had illegal intimacy with the *de-facto* complainant's wife and when they were in compromising position, the petitioner had taken photographs. He had sent the same to A2 and thereafter, it was informed to the *de-facto* complainant. 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.



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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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Sendamangalam, Namakkal District 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 Ennore and report before the Inspector of Police, Ennore Police Station daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.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.**



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**State of Kerala [(2005)AIR SCW 5560].**

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

05.05.2023

mpl



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**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The Judicial Magistrate Sendamangalam,  
Namakkal District.
- 2.The Inspector of Police,  
Erumapatti Police Station,  
Namakkal
- 3.Central Jail, Salem
- 4.The Public Prosecutor,  
High Court of Madras,  
Chennai

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