



Crl.OP.No.11348 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE Mr.JUSTICE A.A.NAKKIRAN

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Arulselvan,
S/o. Ramamoorthy

... Petitioner

Vs.

State rep. By
Inspector of Police,
Sethiathope Police Station,
Cuddalore District.
(Crime No.74 of 2023)

... Respondent

Prayer:- Criminal Original Petition has been filed under Section 439 of Cr.P.C to enlarge the petitioner on bail in Crime No.74 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Suryaprakash

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 02.04.2023 in connection with Crime No.74 of 2023 registered for the offence punishable under Sections 469, 471, 509 and 506(2) of IPC read with 66-D, 67 of Information Technology Act, seeks bail.

2. The case of the prosecution is that the petitioner has transmitted obscene material along with the photos of the de-facto complainant in social media. The petitioner has also forged electronic records pertaining to images of the de-facto complainant and also threatened her. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner and the de-facto complainant are working in abroad and they fell in love with each other. Thereafter, when the petitioner came to India, he has not contacted the de-facto complainant. He further submitted that the petitioner has been falsely implicated and roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 02.04.2023. He also submitted that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent conditions that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.



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WEB COPY 4. Learned Additional Public Prosecutor appearing for the respondent submitted that petitioner has transmitted obscene photos of the de-facto complainant in social media. The petitioner has also forged electronic records pertaining to images of the de-facto complainant and also threatened her. He further submitted that 7 witnesses have been examined and the investigation is under progress. The learned Additional Public Prosecutor also submitted that the petitioner has already filed a bail application before this Court, which was dismissed on 28.04.2023. Hence, he strongly opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that all the witnesses have been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner executes a bond for a sum of **Rs.25,000/-**



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(Rupees Twenty Five Thousand only) with two sureties, each for a like

sum to the satisfaction of the **learned Judicial Magistrate No.I,**

Chidambaram, 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 is directed to file an undertaking affidavit before the Judicial Magistrate No.I, Chidambaram, stating that he will not upload any obscene photos hereafter.

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

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with the evidence or witnesses 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 petitioner in accordance with law, as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble



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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.

18.05.2023

hvk/sni

To

- 1.The Judickal Magistrate - I,
Chidambaram.
- 2.TheInspector of Police,
Sethiathope Police Station,
Cuddalore District.
- 3.The Central Jail,
Cuddalore.
- 4.The Public Prosecutor
High Court, Madras.



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A.A.NAKKIRAN, J.

hvk

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