



Crl.O.P.No.12750 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

CORAM

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

Crl.O.P.No.12750 of 2023

Karthick

S/o. Anandhan

... Petitioner

/versus/

The State represented by
The Inspector of Police,
F-5 Choolaimedu Police Station,
Chennai - 600 094.

(Crime No.174 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioner on bail pending investigation in Crime No.174 of 2023 on the file of the respondent police.

For Petitioner : Mr.K.Suresh Babu

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 11.05.2023 for the offence punishable under Sections 448, 323, 354, 354(A) & 506(i) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.174 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the accused, who is the neighbour of the de-facto complainant, under the pretext of asking mobile charger, had trespassed into her house, misbehaved with her and also asked her for his sexual favours. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 21 years and he has been falsely implicated in this case. He further submitted that the petitioner and the de-facto complainant are neighbours and there was dispute between the petitioner and the husband of the de-facto complainant, due to which, on the instigation of the de-facto complainant's husband, the



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de-facto complainant has lodged a false complaint as against the petitioner. He also submitted that the petitioner is in custody from 11.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the de-facto complainant is the native of Odisha, presently residing at Chennai and the petitioner is the neighbour of the de-facto complainant. He further submitted that the petitioner under the pretext of asking mobile charger, trespassed into the house of the de-facto complainant, misbehaved with her and also asked for sexual favours. He further submitted that investigation in this case is still pending, hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the contents in the First Information Report.



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6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the age of the petitioner, this Court is inclined to grant 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 **learned XVII Metropolitan Magistrate, Saidapet, 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 stay at Trichy and report before the Inspector of Police, Cantonment Police Station, everyday 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



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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.

08.06.2023

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To

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, F-5 Choolaimedu Police Station, Chennai - 600 094.
3. The Sub Jail, Saidapet, Chennai.
4. The Inspector of Police, Cantonment Police Station, Trichy.
5. The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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