



WEB COPY



CrI.OP.No.20086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20086 of 2023

Ilaya Alwar

...Petitioner/Accused

Vs.

The State Rep by
The Station House Officer,
Orleanpet Police Station,
Puducherry.
(Crime No.173 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with the case in Crime No.173 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.K.S.Mohen Doss,
Public Prosecutor, Puducherry,
Assisted by Mr.N.Danalatchoumy.



CrI.OP.No.20086 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offence punishable under Sections 354-C, 204 of I.P.C and 66(E), 67(A) of Information Technology Act, 2000 read with Section 34 of I.P.C in Crime No.173 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as an accused in Cr.No.173 of 2023 for the offences under Section 354-C, 204 I.P.C and 66 (E), 67 (A) of Information Technology Act, 2000 r/w 34 of I.P.C. In fact, there was lease agreement between petitioner and third accused dated 06.06.2022 for running JJ Residency, Puducherry. He further submitted that, it is only the 3rd accused Iruthayaraj, who is running JJ Residency. He produced a copy of lease agreement dated 01.12.2022 executed between one Manohari and 3rd accused Iruthayaraj for leasing the land of Manohari for the purpose of parking of cars coming to JJ Residency. Petitioner was not aware of any offence alleged in the First Information Report and he was not responsible for that. He is in judicial custody from



CrI.OP.No.20086 of 2023

14.07.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor (Puducherry) submitted that the defacto-complainant gave a complaint alleging that he was staying in room No.204 of JJ Residency on 08.07.2023. He found a hidden camera was placed in a plug point. He examined it and found that there was a wire connection given to the hidden camera. He informed this to the Manager Anand and room boy Abiraham. They visited the room and denied having placed a hidden camera and tried to remove. However, before they removed the hidden camera, defacto-complainant removed the camera. Both of them had, in a hurry, deleted video footages in the computer and also removed the wires. Thus, this complaint was given.

4.Considered the rival submissions and perused the records. This is the second bail petition filed by the petitioner. Earlier bail petition was dismissed on 18.08.2023 by this Court in CrI.O.P.No.18891 of 2023, among other reasons, that there is no description of the property in the



CrI.OP.No.20086 of 2023

lease deed and the lease deed could be prepared at any time for the reason that, it is an unregistered lease deed. It is seen from the lease agreement entered between Monahari and 3rd accused J.Irudhaiyaraj that lease agreement was executed on 01.12.2022 for the purpose of leasing the land of Manohari for parking of cars coming to JJ Residency. It is now clearly established that, JJ Residency was run by 3rd accused. J.Irudhaiyaraj was the man incharge of functioning of JJ Residency. Therefore, there is substance from the above said documents produced by the learned counsel for the petitioner that, petitioner was not running the JJ Residency on the date of alleged incident and that he may not aware of the activities of the other accused, especially with regard to the offence alleged in the FIR. In the said circumstances and having regard to the fact that petitioner is in Judicial Custody from 14.07.2023 and that, material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on



CrI.OP.No.20086 of 2023

his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Puducherry**, 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 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



Crl.OP.No.20086 of 2023

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 absconds, a fresh FIR can be registered under Section 229A IPC.

07.09.2023

Sma/Apd

To



CrI.OP.No.20086 of 2023

1.The Judicial Magistrate No.II,
Puducherry.

2.The Station House Officer,
Orleanpet Police Station,
Puducherry.

3.Central Prison,
Kalapet, Puducherry.

4.The Public Prosecutor,
High Court of Madras



WEB COPY



CrI.OP.No.20086 of 2023

G.CHANDRASEKHARAN. J.

Sma/Apd

CrI.OP.No.20086 of 2023

07.09.2023