



Crl.O.P.No.10800 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.10800 of 2024

Malik Basha

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
(Crime No.481 of 2023)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.481 of 2023 on the
file of the respondent police.

For Petitioner : Mr.B.Kalaiarasan

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.12.2023 for the offence punishable under Section 354 D of IPC and Section 67 of Information Technology Act, 2000 in Crime No.481 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the defacto complainant had received video call from an unknown number, which was later found as that from the petitioner exhibiting nudity.

3.Earlier petition seeking bail was dismissed on 27.02.2024 in Crl.O.P.No.4694 of 2024. It is stated that final report has been filed and the same has been taken cognizance as C.C.No.1029 of 2024 before the V Metropolitan Magistrate, Egmore, Chennai.

5.Taking that factor into consideration and also considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction



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of the learned V Metropolitan Magistrate, Egmore, 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 at 05.30 p.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. State of Kerala [(2005)AIR SCW 5560].

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

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To

1. The V Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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