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Crl.O.P.No.28331 of 2024

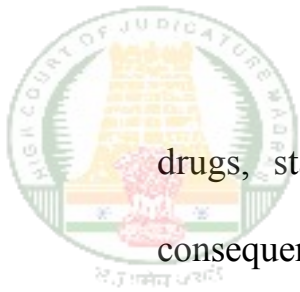


Crl.O.P.No.28331 of 2024
and
Crl.M.P.No.16299 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 64, 308(2), 78 and 351(2) of BNS, 2023 in Crime No.561 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant, while her parents planned to construct a house in their land, one Vijayakumar was appointed to supervise the construction work and one Keerthivasan, who is the son of Vijayakumar, as a construction Engineer taken part in the said construction activities. It is further stated that the said Keerthivasan got acquainted with the defacto complainant, induced her and had sexual intercourse with her and taken nude photographs of the defacto complainant. Later, the accused Keerthivasan started blackmailing the defacto complainant, that he would upload the nude photographs of her in the social media, thereby received a sum of Rs.3,50,000/-, 1 Kg of silver articles and gold jewels of about 108 sovereigns and later, under the influence of alcohol and



drugs, started abusing and threatening the defacto complainant with dire consequences. It is further stated that the petitioners, who are the mother and brothers of the main accused had also abused and harassed the defacto complainant, further the nude photographs of the defacto complainant were stored in a hard disk, which was in the possession of the said Keerthivasan/ A1 and the petitioners. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution. He would further submit that the petitioners are the mother and brothers of the main accused, hence they have been falsely roped in this case. He would further submit that the main accused has been arrested and in custody, further the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioners, stating that the petitioners are the mother and brothers of the main accused Keerthivasan, who had acquainted with the defacto complainant, induced her and had sexual intercourse with her. He also submit that the main accused had



taken nude photographs of the defacto complainant and blackmailed the defacto complainant, that he would upload the same in social media, thereby received a sum of Rs.3,50,000/-, 1 kg of silver articles and gold jewels of about 108 sovereigns. He also submitted that the main accused was arrested and during custodial interrogation, hard disk, 48.5 sovereigns of gold jewels and 1kg of silver articles were recovered and the recovered hard disk is yet to be inspected. He further submitted that the petitioners herein had also supported A1, in the offense and 183 BNSS statement of the victim was also recorded and the investigation is still pending.

5. Learned counsel appearing for the intervener raised strong objection for granting of anticipatory bail to the petitioners by stating that the petitioners along with the main accused Keerthivasan had taken part in the said offence, further 108 sovereigns of gold jewels, 1 kg of silver articles and a sum of Rs.3,50,000/- has been received by the main accused, by blackmailing the defacto complainant, that he would upload the nude photographs of her in the social media and further threatened the defacto complainant and her family with dire consequences.

6. Heard the learned counsel for the petitioners, the learned counsel appearing for the intervener and the learned Government Advocate



(Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR and 183 BNSS statement.

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7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the main accused was arrested and in custody, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Additional Mahila Court, Thiruvallur, Tiruvallur District** on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.

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[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 of B.N.S.

9. Accordingly, this criminal original petition is ordered. Consequently, connected criminal miscellaneous petition stands closed.



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