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Crl.O.P.No.28445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

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

Crl.O.P.No.28445 of 2024

Prithiviraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-6, All Women Police Station,
Ayanavaram, Chennai.

(Crime No.10 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.10 of 2024 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.09.2024, seeking



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bail in Crime No.10 of 2024 registered for the offence under Sections 77, 351(3) of BNS, 2023 and Section 12 r/w 11(5) of POCSO Act, 2012 and Section 66 r/w 43(a) of Information Technology Act, 2000.

2. The case of the prosecution as per the defacto complainant xxxxxx aged 17 years is that she was befriended by one Mahalingam and he had committed sexual assault on her. Later, the petitioner who is the brother-in-law of the said Mahalingam, without her knowledge had taken videos from his mobile phone while she was changing her clothes and blackmailed her that he would upload the videos in social media and also abused and intimidated her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given against him. He further submitted that the petitioner is the brother-in-law of one Mahalingam. The victim had earlier given a complaint against the said Mahalingam and since the petitioner intervened in the matter, a false complaint has been given against him. He further submitted that the allegations of the defacto complainant is that the petitioner has recorded the incident in his mobile



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phone and the mobile phone was also recovered from the petitioner. He further submitted that the petitioner has been in custody from 19.09.2024 and there is no allegation of physical abuse against him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner who is the brother-in-law of the said Mahalingam, had without her knowledge taken videos of her changing cloths and blackmailed her that he would upload the video in social media and also abused and intimidated her. He further submitted that the statement of the victim under Section 183(5) of BNSS has been recorded.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the statement of the victim recorded under Section 183(5) of BNSS.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 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 10.30 a.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;



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[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 269 B.N.S.

14.11.2024

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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
- 2.The Inspector of Police,
W-6, All Women Police Station,
Ayanavaram, Chennai.
- 3.Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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