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Crl.O.P.No.31268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.No.31268 of 2024

P. Shanmugam @ Murugan

... Petitioner

Vs.

State rep. by
Inspector of Police,
Steel Plant Police Station,
Salem District.
(Crime No. 339/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail arrested by the
respondent Police in Crime No. 339 of 2024 on the file of the respondent.

For Petitioner : Mr.K. Anbuselvan

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

ORDER

Petition seeking bail in respect of Crime No.339 of 2024 registered for
the offences punishable under Section 77 of BNS and Section 66E of Information
Technology Act, 2008 is on board for consideration.

2.The incarceration of the petitioner being from 19.11.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that due to a dispute between the neighbours a false complaint has been registered against the petitioner. He also submits that the mobile phone has been recovered and the major part of the investigation has already been completed. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner, who is a neighbour of the victim girl, is said to have taken photograph of the victim girl on his mobile phone, while she was bathing.

4.Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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**, (out of which, one surety should be a blood related surety) each for a like sum to the satisfaction of the Additional Mahila Court, Salem, and on



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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 Chennai and report before the Inspector of Police, North Beach Police Station, everyday at 06.30 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 269 of B.N.S.

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A.D.JAGADISH CHANDIRA., J.
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To

1. The Additional Mahila Court,
Salem.
2. The Inspector of Police,
Steel Plant Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police
North Beach Police Station
Chennai.

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