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Crl.O.P.No.19365 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19365 of 2025

Rajesh Kumar

... Petitioner/Accused

Vs.

State Rep. By
The Sub-Inspector of Police,
CCD-II Police Station,
Vellore District – 632 007.
(Crime No.32 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.32 of 2025 on the file of the respondent police.

For Petitioner : Mr.L.K.Charles Alexander

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2025, for the offence punishable under Sections 75 and 79 of BNS, 2023 and Section 67-A of the Information Technology Act, 2008 in



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connection with Crime No.32 of 2025, registered on the file of the
respondent, seeks bail.

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2.The case of the prosecution is that the de-facto complainant was working in a financial services company. She shared her photograph and bio-data to the petitioner for job assistance. On the date of occurrence, the de-facto complainant received a message from the petitioner through e-mail, in which, obscene nude photograph of the de-facto complaint has been sent. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the de-facto complainant and the petitioner were working in a same company. Subsequently, the petitioner left



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the job and keep on calling the de-facto complainant to send her bio-data on the promise of job assistance. The de-facto complainant shared her bio-data and photo to the petitioner. Thereafter she received a message from the petitioner through e-mail, in which, obscene nude photograph of the de-facto complaint has been sent. He further submitted that the mobile phone of the petitioner has been seized. Hence, he strongly opposed for granting bail to the petitioner.

5.Heard the learned counsel appearing on both sides.

6.Considering the submissions made on either side, it is seen that the de-facto complainant and the petitioner were working in a same company earlier. Subsequently, the petitioner left the job and keep on calling the de-facto complainant to send her bio-data for job assistance. The de-facto complainant shared her bio-data and photo to the petitioner. Thereafter she received a message from the petitioner through e-mail, in which, morphed nude photograph of the de-facto complaint has been sent. Now, the mobile phone of the petitioner has been seized. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 learned **Judicial Magistrate, Additional Mahila Court at Vellore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of 30 days and thereafter as and when required for further interrogation;

[c] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[d] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass



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appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

08.07.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate,
Additional Mahila Court at Vellore.

2.The The Sub-Inspector of Police,
CCD-II Police Station,
Vellore District – 632 007.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.

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