



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twelfth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.11303 of 2018

KARUPPASAMY

... PETITIONER/ 3rd ACCUSED

Vs

STATE REP.BY
THE SUPERINTENDENT OF POLICE
CRIME BRANCH CID,
VIRUDHUNAGAR POLICE STATION,
SPECIAL UNITS, CHENNAI.
UNDER CRIME NO.01/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.R.LAXMAN, Advocate

For Respondent : Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is figuring as third accused in Crime No.1 of 2018 registered on the file of CBCID, Virudhunagar Police Station, Special Units, Chennai. The case was originally registered as Crime No.170 of 2018 on the file of Aruppukottai Town Police Station on 16.04.2018.

2.The Secretary of Devanga Arts College, Aruppukkottai, lodged an information with the police alleging that an Assistant Professor by name Nirmala Devi working in his college had attempted to lure as many as four girl students studying in the college to give sexual favours to certain unnamed persons. She had allegedly spoken to the said girl students over phone and also sent them several messages through SMS. The girl students had lodged a complaint with the college secretary, which led to the registration of the aforesaid criminal case.

3.The said Nirmala Devi was arrested and on further investigation the role played by A2-Murugan and A3-Karuppa Samy came to light. The third accused surrendered on 25.04.2018 and the second accused was arrested on 23.04.2018. All the three accused have given confession statements and further materials have been collected by the investigation. The case of the prosecution is that

at the instance of the second and third accused, the first accused had attempted to commit the offences in question.

4. The petitioner herein earlier applied for bail before this Court. The same was however withdrawn on 19.06.2018. This is his second application. The learned counsel for the petitioner submitted that the statutory period of 90 days is about to expire and that the petitioner has nothing to do with the offences in question. He would point out that the entire act of luring the college girls is attributable only to the first accused and except that this petitioner had some telephonic talk with the first accused, there is no other material.

5. As rightly contended by the learned counsel for the petitioner, bail is a rule and jail is an exception. But then, occasionally there is a necessity to introspect whether granting bail would be the right or appropriate thing to do on the facts and circumstances of the case. There can be no doubt that the case on hand is rather extraordinary. It is not yet another criminal case. This Court takes judicial notice of the fact that the conscience of the society has been shaken to the core. Our culture and tradition confers very high status on the Acharya. "Guru" comes after the parents, but he is placed even above God. That is why, when the alleged acts of the first accused came to light, it sent shock waves throughout Tamil Nadu.

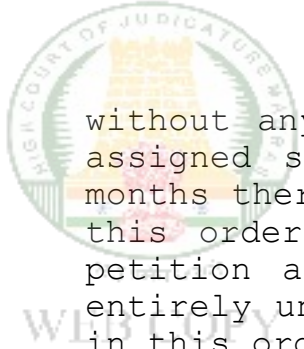
6. The targets in this case were young college girls. The crime of trafficking was attempted to be perpetrated by none other than their own teacher. This crime was allegedly committed through electronic mode also. The case against the accused rests on telephonic exchanges and text messages. That is why, the investigation requires reports and certificates from the Forensic Lab, Chennai. Voice samples of the accused have been collected and the reports are awaited.

7. The prosecution has filed its counter affidavit and also placed materials collected during the investigation. It is seen that there were frequent calls between the petitioner and the first accused immediately prior to sending of the offending messages and making of calls by Nirmala Devi/first accused to the victim girls. There is prima facie material to show that this petitioner and A2 Murugan insisted the first accused Nirmala Devi to procure young college girls for sexual exploitation. The existence of design among the accused to commit the offence of trafficking has also been clearly brought out from the statement of witnesses.

8. The prosecution has also placed materials before this Court indicating that the petitioner is highly influential. Even though he is only a former scholar and is not working in the Madurai Kamraj University, he appears to be a regular presence in the University campus. Some of the statements recorded under Section 161 of Cr.PC point to the networking abilities and wide contacts of the petitioner. The witnesses in this case hail from rural background and are all young and innocent. Therefore, the

petitioner

12.Mr.K.K.Ramakrishnan, Additional Public Prosecutor, would submit that the police intend to file preliminary charge sheet. This shall be done on or before 16.07.2018. Supplementary charge sheet shall be filed on or before 10.09.2018. All the accused are very much in jail. Therefore, there cannot be any difficulty in concluding the committal proceedings within a period of two weeks ~~thereafter~~. The learned Jurisdictional Magistrate shall complete the committal proceedings on or before 24.09.2018. The learned Principal Sessions Judge is directed to assign the case speedily



without any delay for trial. The Trial Court to which the case is assigned shall complete the entire trial within a period of six months thereafter. It is reiterated that the observations made in this order are only for the purpose of giving disposal to this petition and that the Trial Court shall conclude the proceedings entirely uninfluenced by any of the observations or directions made in this order.

13. With these observations and directions, this Criminal Original Petition is dismissed.

sd/-
12/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRDUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
- 2 THE JUDICIAL MAGISTRATE NO.II, VIRDUDHUNAGAR.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
- 4 THE SUPERINTENDENT OF POLICE,
CRIME BRANCH CID, VIRUDHUNAGAR POLICE STATION,
SPECIAL UNITS, CHENNAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
FORENSIC LAB, CHENNAI.

+2. CC to Mr.K.R.LAXMAN Advocate SR.No.12902

ORDER
IN
CRL OP(MD) No.11303 of 2018
Date :12/07/2018

MS/VR/SAR-1/18.07.2018/4P.10C