



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.928 of 2019

SAGAYA PRATHISHTON

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOLACHAL, KANYAKUMARI DISTRICT.
(CRIME NO.19/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.TITUS, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 08.11.2018 for the offences punishable under Sections 376, 354 (c) and 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.19 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant sho is the victim, was married and got two children. The defacto complainant's husband was working in abroad. The accused is the relative of the defacto complainant's husband, used to help her. On 09.09.2018, when the children were playing outside the house and inside the compound, at about 06.00 p.m., the victim, while coming out from the bathroom, after her bath, the accused said to have pulled out the towel worn by her, pushed and rapped her and also threatened her with dire consequence. Thereafter, the accused has infused these activities, the accused had forced the victim to come out of her matrimonial life and lead a life with him, which the defacto complainant refused, for which the accused threatened that he recorded nude and semi-nude photos of the victim in his mobile phone and he would sent it to the husband of the victim and relatives and also load it in the Social Media. On 26.10.2018, the said photographs were sent by the accused to the defacto complainant's husband and his relatives. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner is in custody for more than 80 days.

4. The learned Additional Public Prosecutor would submit that the petitioner raped the defacto complainant forcibly on several occasions and taking nude photographs and using the same and threatened her that he will upload the photographs in the Social Media and committed rape on her. He would also submit that the police have seized the mobile phone of the accused as well as the defacto complainant.

5. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials produced, and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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, Eraniel, and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate, Ambattur, daily at 10.30 a.m. for a period of thirty days (30 days) and thereafter, as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

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

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE JUDICIAL MAGISTRATE, AMBATTUR.
 4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
CHENNAI DISTRICT.
 5. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
 6. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOLACHAL, KANYAKUMARI DISTRICT.
 7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.TITUS Advocate SR.No.1652

ORDER
IN
CRL OP (MD) No.928 of 2019
Date :29/01/2019

MS/VR/SAR-1/29.01.2019/3P.9C