



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9847 of 2019

Sathish @ Sathieskumar,

... Petitioner/Accused No.3

Vs

State rep by
The Inspector of Police,
Bodinayakanur Taluk Police Station
Theni District.
In Crime No. 303 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.Mithun Chakravarthy,
Advocate.

For Respondent : Mr.V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

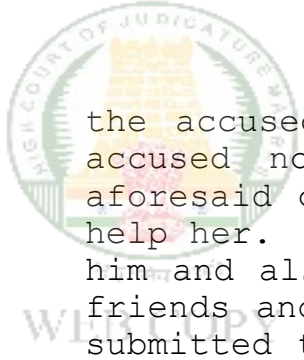
For Anticipatory Bail in Crime No. 303 of 2019 on the file of
the Respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.3
seeking bail for the alleged offence under Sections
417,420,376,448,506(i) of IPC and Section 67 of Information
Technology Act, 2000.

2. Heard both sides

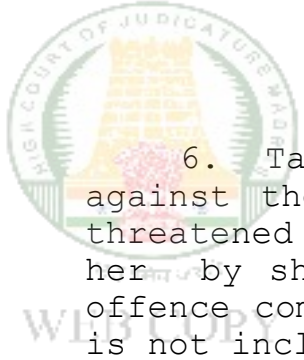
3. The learned counsel for the petitioner has submitted that as
per the FIR, the accused No.1 had sexual intercourse with the
defacto complainant forcibly on 22.08.2018 in a lodge and at that
time, he took video and subsequently, by showing the said video, he
blackmailed her and had sexual intercourse continuously and also
compelled her to have sexual intercourse with his colleagues namely



the accused Nos.2 to 5 and subsequently, she accidentally met the accused no.6, who is her relative and informed him about the aforesaid occurrence and at that time, he assured her that he will help her. But he also compelled her to have sexual intercourse with him and also took video and informed her that he will send his two friends and she has to have intercourse with them also. He further submitted that the 6th accused is the former husband of the defacto complainant and during the subsistence of the marriage with him, the defacto complainant got married one Vasanthakumar and hence, she executed a deed admitting the fact that she got married the said Vasanthakumar. In pursuance of the said deed, the 6th accused had filed H.M.O.P.No.1 of 2012 on the file of the Sub-Judge, Theni and got divorce on 07.03.2012 itself and that being so, the allegation made in the F.I.R that the third accused is a relative of the defacto complainant and she met the third accused accidentally and she informed all the facts with him and he assured her that he will help her are totally false. He further submitted that taking into consideration of the aforesaid facts, this Court has granted bail to A6 in CrI.O.P(MD) No.9352 of 2019. He further submitted that the defacto complainant is not a woman of good character. He further submitted that the petitioner was arrested on 11.06.2019 and remanded to judicial custody. He further submitted that the Police has seized the cell phone, but so far they have not sent the said cell phone to the Forensic Lab for getting any report and therefore, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor has fairly conceded that the 6th accused is the former husband of the defacto complainant and also conceded that he got divorce from the defacto complainant, but, subsequently, he had contact with the defacto complainant and took videos in the cell phone. He further submitted that the petitioner was arrested on 11.06.2019 and he is in judicial custody and cell phone was seized from him and it is found that he has already deleted all the videos in his cell phone. He further submitted that investigation is still pending and hence, he strongly opposed this petition.

5. Taking into consideration, the defacto complainant had executed a document on 15.11.2011 stating that she married the sixth accused and during the subsistence of the said marriage, she had relationship with one Vasanthakumar and she became pregnant and based on the said consent deed, the 6th accused has filed H.M.O.P.No.1/2012 on the file of the Sub-Judge, Theni and got divorce on 07.03.2012, but suppressing the said facts, she has stated a new story that the 6th accused is her relative and only accidentally, she met with him and narrated the entire facts and that the 6th accused assured that he will help her, this Court has granted bail to the sixth accused. Whereas the present petitioner is concerned, the allegation against him is that he along with other accused persons had sexual intercourse by threatening that he will publish the obscene videos of the defacto complainant. Hence he cannot claim parity with A6.



6. Taking into consideration of the allegations levelled against the petitioner that he along with other accused persons threatened the defacto complainant and had sexual relationship with her by showing the videos and also considering the fact that the offence committed by the petitioner is very heinous one, this Court is not inclined to grant bail to the petitioner.

7. Hence the bail petition is dismissed.

sd/-
16/07/2019

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

TO

- 1 THE INSPECTOR OF POLICE,
BODINAYAKKANUR TALUK POLICE STATION,
THENI DISTRICT
- 2 THE SUPERINTENDENT ,
SUB JAIL, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9847 of 2019
Date :16/07/2019

KM/JC/SAR-I (26.07.2019) 3P 4C