

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7659 of 2020

Vasanthakumar

... Petitioner

Vs.

State Rep. by

The Inspector of Police,  
CBI, SCB, Chennai

RC2(S)/2019/SCB/Chennai ... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in RC2(S)/2019/SCB/Chennai on the file of the respondent police.

For Petitioner : Mr.S.Nagarajan

For Respondent : Mr.K.Srinivasan  
Special Public Prosecutor (CBI cases)

O R D E R

The petitioner/A4 was arrested and remanded to judicial custody on 25.02.2019 for the offence punishable under Sections 354A, 354B, 392 r/w Sec. 34 IPC, and Sec.66-E and 67 of Information Technology Act, 2000 and Sec.4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in RC2(S)/2019/SCB/Chennai on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons have committed offences of sexual harassment molestation on the victim girls and also sexually abused the victim girls. Thereafter, recorded obscene videos without victim knowledge and threatened them. Therefore, the victim surrendered for further sexual exploitation by the accused persons.

3. Further , this case was registered by the State Police, later based on the Notification issued by the Government of Tamil Nadu under Section 6 of DSPE Act vide No.174 dated 16.03.2019 and subsequent Notification issued by the Government of India under Section 5 of DSPE Act vide No.228/06/2019-AVD-II dated 25.04.2019, CBI/SCB/Chennai the case in Crime No.59 of 2019 is being investigated.

4. During investigation, the petitioner was arrested on 25.02.2019 along with other accused persons viz, A1, A2 and A3, the case was transferred vide order dated 12.03.2019 of the Director General of Police, to CBCID Coimbatore in Crime No.01/2019. Thereafter, during the course of investigation by CBCID Coimbatore, the active role played by another accused Mani @ Manivannan in commission of offence in the instant case surfaced and hence, he was arraigned as Accused No.5. He was arrested on 05.04.2019 in the instant case, he was in judicial custody and also in connected cases. During the course of investigation, it is found that all the accused with common intention to rape the innocent girls by deception/enticing and by luring them, taking them to the house of A2 at ChinnappanPalayam of Pollachi Taluk. Further, they sexually abused the innocent girls and secretly recorded obscene videos of the girls while abusing sexually without their knowledge and threatened the victim girls by exposing their obscene videos, for seeking further sexual favours and the victims were thus made to surrender for their sexual exploitations by the accused persons.

5. Further, the accused mobile phones and other materials used in commission of offence are seized and the videos confirms the involvement of the accused. Further, expert opinion of Forensic Science Laboratory obtained, evidence collected during investigation, prove the involvement of the accused.

6. The learned counsel for the petitioner would submit that the petitioner after graduation, worked in Sri Ram Finance, thereafter he was employed at Mahindra Finance in Home Loan Section. He would further submit that the petitioner acted as collecting agent for A1 and A2. He further submit that the petitioner no way connected in the above offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 25.02.2019. Hence he seeks bail.

7.Mr.K.Srinivasan, the learned Special Public Prosecutor appearing for the respondent police would submit that he has filed a detailed counter and typed set of papers wherein the order of this Court in CrI.O.P.No.20833 of 2019 pertaining to R.Mani @ Manivannan co-accused and order of this Court in CrI.O.P.No.26866 of 2019, the Hon'ble High Court had dismissed the bail petition. The First Bench order in W.P.No.9741 of 2019 batch of writ petitions is also filed. The Special Public Prosecutor referred to paragraph Nos.8 and 9 in CrI.O.P.No.26866 of 2019 and paragraph Nos.10 and 11 in CrI.O.P.No.20833 of 2019 and also the Directions given by the First Bench.

8.From the perusal of the counter referred, it is seen that there are 5 victims involved, further innocent college students are continued exploited and were sexually harassed. Further, the petitioner along with other accused with common intention played active role in commission of offence. Further, the investigation is completed, charge sheet filed in PRC.No.87 of 2019 before the Chief Judicial Magistrate Court, Coimbatore. Thereafter, the case

<https://hcservices.ecourts.gov.in/hcservices/>

was committed to the Principal District & Sessions Judge, Coimbatore in C.C.No/20 of 2020. Thereafter, the case made over to the Mahila Court, Coimbatore. Further, videos extracted from the mobile phone instruments of the accused persons including the obscene videos are under thorough scrutiny with technical support, based on which, other victims/witnesses are to be identified and examined.

9.Considering the facts and circumstances of the case and also the fact that the petitioner had committed heinous and serious offence, this Court is not inclined to grant bail to the petitioner.

10. Accordingly, this Criminal Original Petition is dismissed.

-sd/-  
26/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE.

2 THE PRINCIPAL DISTRICT &  
SESSIONS JUDGE, COIMBATORE.

3 THE MAHILA COURT,  
COIMBATORE.

4 THE SPECIAL PUBLIC PROSECUTOR, (CBI CASES),  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
CBI/SCB/CHENNAI.

CC to M/S. S.NAGARAJAN Advocate on payment of necessary charges

CRL OP.7659/2020

Date :26/05/2020

MK:19/08/2020