

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10293 of 2020

Johny Sam Patrick @ Johny Sam Ilango .. Petitioner/Accused

Vs

State Rep.by.

Inspector of Police.,

All Women Police Station,

Guindy, Chennai.

(Cr.No.9/2020)

.. Respondent/Complainant

Prayer : This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail in Crime No. 9 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Kannadasan

For respondent : Mr.Shunmugarajeswaran
Govt. Advocate (CrI. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offences punishable under Sections U/s.376(2)(n), 506(ii) of IPC and U/s.66E of Information Technology Act 2000 in Crime No. 9 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused during December 2019, befriended the defacto complainant's daughter/victim in the guise of giving her treatment for reducing the body weight. Subsequently, taken her to a restaurant on 22.12.2019 where he has given cooldrink laced with sedative and from there taken her to the defacto complainant's house when nobody was there and forcibly had sexual intercourse with her. At that time, he had also taken private photographs when both of them were in compromising position and thereafter, under the threat of uploading the private photos in social media, had compelled her to have sex on several occassions. Based on the complaint given by the defacto complainant, the case was registered on 15.05.2020 and the petitioner was arrested on the same day.

3. The learned counsel for the petitioner would submit that the petitioner is an I.T. Professional. He and the defacto complainant's daughter fell in love with each other and they intended to get marry and had approached the defacto complainant. But the defacto complainant opposed for the marriage since the petitioner belongs to different religion and also compelled her daughter to sever the relationship with the petitioner and he has given the complaint with false allegations. He would further submit that the complaint was only given by the defacto complainant and not by the victim girl, who is an IT Professional. It would show that the case has been foisted against the petitioner. He would also submit that the petitioner was arrested on 15.05.2020 and major part of investigation is over and the medical examination of both the petitioner and the victim has also been completed. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner befriended the daughter of the defacto complainant and later during a meeting, he gave cooldrinks laced with sedative and took her to her house and forcibly had sexual intercourse with her. Thereafter, he had also taken photographs with her in compromising position and later under the threat of exposing the photographs in social media, continued to have sexual with her against her will. He would further submit that the petitioner was arrested on 15.05.2020 and medical examination of the victim as well as the petitioner has been completed. Further 164 Cr.P.C. Statement from the victim girl is yet to be recorded and hence, he vehemently opposed for grant of bail.

5. Heard both sides, perused the F.I.R. and materials on record.

6. Taking into consideration the facts and circumstances of the case, and also the submission made by the learned counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter, on his release.

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Alandhur, Chennai, on or before 09.08.2020 failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and left thumb impression in the surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30. a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) the petitioner shall not commit any offences of similar in nature.

(f) the petitioner shall not abscond either during investigation or trial.

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 SCW5560.

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

7. With the above directions, the Criminal Original Petition is ordered.

-sd/-
09/07/2020

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

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

TO

1 THE JUDICIAL MAGISTRATE,
ALANDHUR, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON-I,
PUZHAI, CHENNAI.

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3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

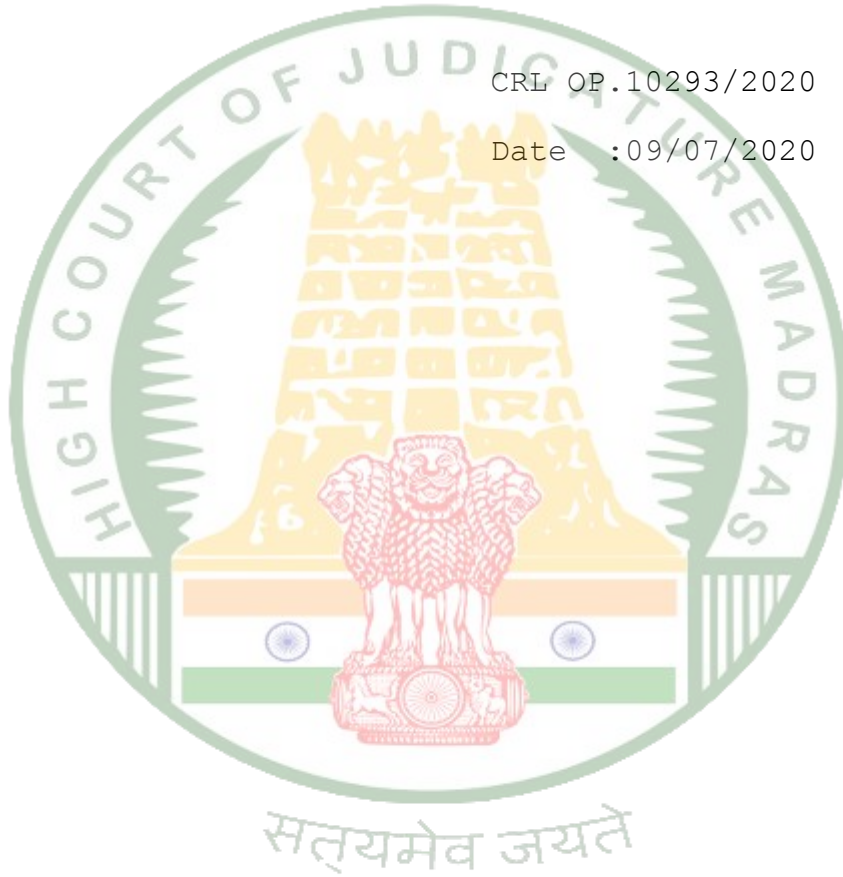
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUINDY, CHENNAI.

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

CRL OP.10293/2020

Date :09/07/2020

cs 07/08/2020



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