

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17975 of 2020

Subin babu

... Petitioner

Vs.

State represented by, Respondent
The Inspector of Police,
W-35, All Women Police Station,
Tambaram.
(Crime No.13 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C praying to enlarge the petitioner on bail in Crime No.13 of 2020 on the file of the respondent.

For Petitioner : Mr.V.Purushothaman Reddy

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.09.2020 for the alleged offences punishable under Sections 5(j) (i), 5(1) & 6 of Protection of Children From Sexual Offences Act 2012 and 506(i) of IPC in Crime No.13 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Sneha is that when she was 16 years old, she had an affair with the petitioner/A1 and that they used to have physical affair from the year 2017. While so, the petitioner had purchased a mobile phone for her and they used to contact with each other frequently. Further, whenever they used to have physical affair, the petitioner used to take videos of the same. Thereafter, the petitioner had taken an amount of Rs.3 lakhs from her on various occasion under threat of uploading the videos in Internet and continued to demand money from

the victim. Unable to bear the torture, the victim girl attempted to commit suicide and that the matter came to the knowledge of the parents of the victim girl. Thereafter, when the parents of the victim had asked the petitioner to delete the videos and to return the money taken from the victim, he agreed to delete the videos and returned Rs.1,20,000/- through bank and also agreed to give back the balance amount in piece meal. Since, the victim was mentally affected, her father sent her to Jalandhar, Punjab. However, since she was unable to forget the incidents with the petitioner, she had come back to Chennai. During, September 2019, the petitioner had met her and compelled her to have relationship with him under threat of uploading the videos in the Internet. Later, when the victim had asked the petitioner to marry her, he refused the same. Thereafter, on 09.03.2020, when she was on her way to a temple, the petitioner and his friends waylaid her and threatened her stating that they will upload all the videos in the Internet and thereby, the *de facto* complainant has given the complaint to take action.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner and the *de facto* complainant's family members were known to each other and that there was relationship between the families for several years and that there was also money transaction between the petitioner and the father of the *de facto* complainant. Later, due to some misunderstanding, there was a dispute between both the families and later, the family members of the *de facto* complainant finding about the relationship between the petitioner and the *de facto* complainant, had sent her to Jalandhar in Punjab and that she continued the relationship even from Punjab with the petitioner and she had come back to Chennai. He would further submit that the allegation as if the petitioner had threatened her to upload videos is also false. He would submit that the major part of the investigation is over and the petitioner is in custody for more than 65 days and hence, he prays for the grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner had relationship with the victim girl, when she was a minor and later, during the year 2018, he attempted to take video of the private moments with the *de facto* complainant and that when it was objected by the *de facto* complainant, he had threatened her and on the threat, he had received money from the *de facto* complainant and her family members and later, refused to return the money. Further, during September, 2019, the petitioner threatened the *de facto* complainant with the videos and sexually abused her and later, when the *de facto* complainant requested him to marry her, the petitioner had refused to marry her and had threatened her with his friends.

5. At this juncture, the learned counsel for the petitioner would submit that the whatsapp messages between the petitioner and the father of the *de facto* complainant would show that there was money transactions between the petitioner and the *de facto*

complainant's father.

6. Heard the learned counsels on both sides. Perused the F.I.R.

7. Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsels and also considering the period of incarceration, 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 condition to execute 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-I, Tambaram, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison shall stay at Trichy and report before the Trichy Cantonment Police Station, everyday at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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 SCW 5560];

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/11/2020

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 JUDICIAL MAGISTRATE NO-I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-35, ALL WOMEN POLICE STATION,
TAMBARAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

6 THE OFFICER INCHARGE,
TRICHY CANTONMENT POLICE STATION,
TRICHY.

+1 CC to M/S.V.PURUSHOTHAMAN REDDY. Advocate on payment of
necessary charges SR.NO.7540

WEB COPY

CRL OP.17975/2020

Date :11/11/2020

TA-18/11/2020