

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2011 of 2021

I.Radjkumar Gil
alias Rajkumar Jil

... Petitioner

Vs.

The State Station House Officer
Kalapet Police Station,
Puducherry.
(Crime No.180 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.180 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. J.Thilagaraj

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 24.12.2020 and remanded to judicial custody on 24.12.2020 for the offence punishable under Sections 342, 376, 294(b), 323, 506(ii) of I.P.C. r/w Section 34 I.P.C. in Crime No.180 of 2020, seeks bail.

2. Totally, there are two accused and the petitioner is arrayed as A1. The case of the prosecution is that the victim girl was working as Part-time Accountant with the petitioner. The petitioner is a Paster and he has also handed over the mobile phone to the defacto complainant. According to the prosecution, earlier, the defacto complainant was in love with another boy and she had sexual intercourse with him and taken a video in the mobile phone belongs to the petitioner, which was used by the defacto complainant. Thereafter, after deleting the same, she has handed over the mobile phone to the petitioner. However, the petitioner retrieved the video, using the same, has threatened the defacto complainant to get her married, he had also presented some jewels and also had sexual relationship with the petitioner. Since the defacto complainant wanted to marry another boy, the petitioner has illegally confined her in the hotel. Thereafter, the defacto complainant came out from the hotel and she has given a complaint. Hence, the petitioner was arrested on 24.12.2020 and remanded to judicial custody on 25.12.2020. Now, he has filed this petition seeking for bail.

3. The learned counsel for the petitioner would submit that in fact, the petitioner wanted to marry the victim girl, and also presented jewels to her. He would submit that since the defacto complainant was in love with another boy, and she wanted to marry him and hence, she has given a false complaint against the petitioner. He would submit that he is an innocent person and he is no way connected with the offence. He would further submit that he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the employer of the defacto complainant and he has forcibly threatened her and criminally intimidated her with a video available in the mobile phone. She would submit that the police had seized the mobile phone and sent for forensic department for verification. That apart, she would submit that the petitioner has also compelled the defacto complainant to marry her and forcibly had a sexual intercourse. She would also submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. On perusal of F.I.R., it could be seen that the video was recorded by the defacto complainant's lover in the mobile phone belong to the petitioner. Thereafter, it was deleted and handed over to the petitioner, subsequently, the petitioner said to have retrieved the same and using the same, he has threatened the girl to get married him and also had a sexual relationship with her. It is stated that the petitioner wants to marry her, he has purchased entire jewels for the marriage. Considering the facts and circumstances, now the investigation is almost completed, and also considering the period of incarceration suffered by the petitioner from 25.12.2020, 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-II, Puducherry 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 report before the respondent police daily 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.

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

-sd/-

08/02/2021

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.II, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 STATION HOUSE OFFICER,
KALAPET POLICE STATION,
PUDUCHEERY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

+2 CC to M/S J.THILAGARAJ Advocate on payment of necessary charges Sr.no.1291

CRL OP.2011/2021

Date :08/02/2021

RVR 09/02/2021

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