

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20890 of 2020

Yuvaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Gudiyattam All Women Police Station,
Gudiyattam, Vellore Dt.
(Crime No.12 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.12 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.T.Dharani

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.11.2020 for the offence punishable under Section 342, 376 and 506(ii) of I.P.C. and Section 4 of Women Harassment Act, in Crime No.12 of 2020, seeks bail.

2. The petitioner is a sole accused. The case of the prosecution is that earlier, the petitioner is a neighbour of the defacto complainant. Nearly 7 years ago prior to the occurrence, the petitioner said to have taken the video of defacto complainant and her mother while taking bath and by using the same, the petitioner has blackmailed and threatened her and also had sexual intercourse with her for the past 7 years. Thereafter, he has also married the defacto complainant in the temple. While the mother of defacto complainant questioned him in the month of November 2020, he has attacked her with aruval and also uploaded some videos, wherein the petitioner and the defacto complainant are living together. Based on her complaint, the criminal case was registered against him and he was arrested on 17.11.2020 and now, the present petition has been filed seeking for bail.

3. The learned counsel for the petitioner would submit that the perusal of the complaint, no prima facie case is made out against the petitioner under Section 376 of I.P.C. He would submit that, the defacto complainant has also admitted that she is having intimacy with him for more than 7 years and even though it is alleged that the petitioner has taken the video of mother, she would have given the complaint 7 years ago. He would submit that the petitioner was arrested on 17.11.2020 and he is in jail for more than 70 days. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner has blackmailed the defacto complainant and uploaded obscene video of her mother. She would submit that he has also attacked the defacto complainant's mother with aruval. Hence, she opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also considering the fact that even as per the F.I.R., the petitioner and the defacto complainant are having intimacy for more than 7 years, the investigation is also almost over and the petitioner is in judicial custody for more than two months, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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, Gudiyattam, 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 for the period of two weeks;

(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/-
25/01/2021

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,
GUDIYATTAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATTAM ALL WOMEN POLICE STATION,
GUDIYATTAM, VELLORE DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, GUDIYATTAM, VELLORE DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. T.DHARANI Advocate on payment of necessary charges SR NO. 856

CRL OP.20890/2020

Date :25/01/2021