



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23328 of 2021

C.Yogaraja alias Puvendran

... Petitioner

Vs.

State represented by
Inspector of Police
W25, All Women Police Station,
T.Nagar, Chennai.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.4 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Harishankar

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.10.2021 for the offences under 376 & 506(ii) of IPC and Section 66E of Information Technology Act, 2000, in Crime No.4 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Ramyashree is that she approached the petitioner for yoga training in January, 2021, wherein, the petitioner alleged to have given sexual torture to her. While so, on 28.04.2021, when the defacto complainant attended birthday party of the petitioner, he has given cool drink by mixing sedative substances to the defacto complainant and by drinking the same, she fainted and thereafter, the petitioner had sexual intercourse against her will and has also videographed the same. Further, the accused threatened the defacto complainant by using the said video and had sexual intercourse with her on several occasions.



3. The learned counsel for the petitioner submitted that the petitioner is a Yoga Master by profession and it was a consensual affair and now she has given a false complainant against the petitioner. He would further submit that the petitioner has been suffering incarceration for more than 55 days from 06.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner by giving false promise has sexually assaulted the victim girl committed. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the victim is aged 22 years and she is a physiotherapist by profession and the petitioner is the sole accused, considering the fact that the the investigation is almost completed and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 XVII Metropolitan Magistrate, Saidapet, Chennai, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Sivagangai and report before the town police station on every Tuesday and Sunday at 10.30 a.m. until further orders.

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;



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

WEB COPY

-sd/-
03/12/2021

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
W25, ALL WOMEN POLICE STATION,
T.NAGAR, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.HARISHANKAR Advocate on payment of necessary charges SR.NO.13987

CRL OP.23328/2021

Date :03/12/2021

JPA 03/12/2021