



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.24637 of 2021

Ganeshkumar

... Petitioner

Vs.

State rep by The Inspector of Police
CBCID, Vellore,
Vellore District.
(Crime No.1 of 2021)

... 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.1 of 2021 pending investigation on the file of the respondent.

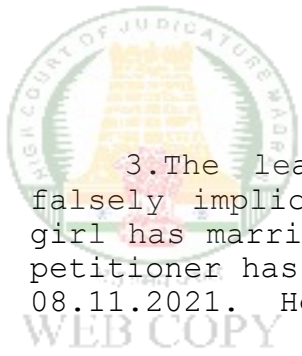
For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.11.2021 for the offences under Sections 417, 506(ii) of IPC subsequently altered into 417, 376, 354, 354(A), 354(C), 294(b), 323, 342, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and Section 67A of Information Technology Act in Crime No.1 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant had loved each other through face book for one year and later the petitioner had sexually assaulted the victim on 31.08.2019 in his prison quarters, at that time, the petitioner herein take the obscene videos secretly. Thereafter, the petitioner herein threatened her repeatedly with those videos, called her and raped her in his quarters. Then, she asked him to marry her, later he cheated the victim and married the another women one Mahalakshmi . Hence, the complaint.



3.The learned counsel for the petitioner submits that he is falsely implicated in this case and he further submits that victim girl has married some other person. He would further submits that the petitioner has been suffering incarceration for more than 40 days from 08.11.2021. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent stating that petitioner had sexually harassed the victim, which was captured in the video, with that he repeatedly raped her and gave false promise to marry her, later, he married the another women and the statement of the victim under Section 164 of Cr.P.C was recorded and the investigation was completed. Hence, vehemently opposed the grant of bail.

5. On instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.1,00,000/- to any Charitable Purpose as may be directed by this Court.

6. A perusal of 164 Statement reveals that she was already got married with another person and now she become pregnant and due to her family circumstances, she has been withdrawn the complaint.

7. Considering the submissions made by the learned counsel for the petitioner and this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.1,00,000/- (Rupees Five Thousand Only), to the credit of Ramakrishna Mutt, Mylapore, Chennai-28,without prejudice to his rights and contentions.

8. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also the fact that the investigation was almost completed and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

9. 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, out of which, one surety shall be blood surety for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Vellore, 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 make non-refundable deposit a sum of Rs.1,00,000/- (Rupees One lakh Only) through demand draft to the credit of Ramakrishna Mutt, Mylapore,



Chennai-28, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

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(c) the petitioner shall report before the respondent police on every Sunday at 10.30 a.m, until further orders ;

(d) the petitioner shall not contact with the victim through any mode;

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

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

(g) 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;

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

-sd/-
23/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
CBCID VELLORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVANNAMALAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE RAMAKRISHNA MUTT
MYLAPORE, CHENNAI-28

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.15473

CRL OP.24637/2021

Date :23/12/2021

JPA 23/12/2021