



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Reserved on	Pronounced on
05.07.2021	09.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8341 of 2021

Thankapandiyan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
CBCID-South, Nagercoil,
Kanyakumari District.
Crime No.8 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervener : Mr.S.Poornachandran, Advocate

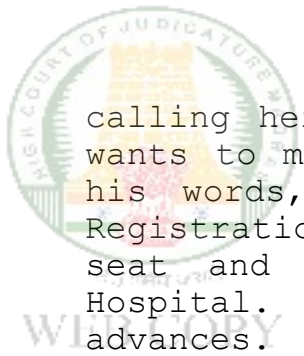
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.8 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested on 19.11.2020 for the offences punishable under Sections 376, 354A, 354B, 354C, 354D, 294(b) I.P.C., and Section 66B of Information Technology Act @ Sections 376, 354A, 354B, 354C, 354D, 294(b), 201, 417 and 506(i) I.P.C., and Section 66B of Information Technology Act, in Cr.No.8 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant completed her college education and was working in an office. On 26.08.2019, one Suji @ Kasi had given friend request through her Facebook. Initially she had not accepted his request. He sent repeated friend request and then, she accepted his request. He started a chatting with her and then he knew about her family members. After getting her phone number, he started to talk by



calling her and informed her that he was in love with her and he wants to marry her and he wanted to see her in person. Believing his words, she met him. Suji @ Kasi came in a car bearing Registration No.TN-7-AT-5518. He compelled her to occupy the front seat and took her poultry form near Theraykalputhur Diraviyam Hospital. At about 07.00p.m., he locked the car and started sexual advances. Despite her resistance, he had removed her dress and had forcibly raped her. Without her knowledge, he had also photographed the incident. 20 days after, he again called her to poultry form. When the defacto complainant refused, he threatened her by stating that he is in possession of video of their previous encounter and if she fails to come, he would spoil her. Due to her ill-health, she did not go. Subsequently, she came to know through media about the complaint given by one lady doctor against the accused Suji@Kasi. Therefore, she had also given this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case only for the reason that he is the father of the first accused Suji@ Kasi. There is no allegation that he was in any way involved in whatever the offences committed by his son Suji@kasi. He seeks bail to the petitioner by stating that he is aged person and he had tested positive for COVID-19, during his incarceration.

4. The learned Additional Public Prosecutor appearing for the State strongly opposes this petition on the ground that this petitioner tacitly approved the actions of the first accused, without taking any efforts to correct him. Not only that, after the registration of the case, this petitioner tried to conceal the evidence to save his son. Therefore, he is also booked in this case.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

6. Perusal of the case records shows that the allegation against the first accused Suji @ Kasi is very serious. He had ravished not only this defacto complainant, but it appears that there are other women fell into his trap. There are many cases pending against him. The main allegation against this petitioner is that he is the father of the first accused and he has tried to conceal the material evidence in this case with a view to save his son. The allegation against the first accused shows that they are very serious in nature troubling the moral fabric of the Society. It is not an one off the incident. The first accused had indulged in various criminal activities including giving sex torture to women. The allegation against this petitioner that he tried to conceal the material evidence found against his son and thus tried to help his son to escape from clutches of law, is a serious



7. Taking into consideration all these facts and the fact that the release of this petitioner will result in tampering the evidence and hampering the trial, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
09/07/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE SUPERINTENDENT,
CENTRAL PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.

2.THE INSPECTOR OF POLICE,
CBCID-SOUTH, NAGERCOIL,
KANYAKUMARI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.JOSEPH SATHIANESON, Advocate (SR-4448[I] dated 09/07/2021)

ORDER
IN
CRL OP(MD) No.8341 of 2021
Date :09/07/2021

ssl
AE/JC/SAR-II/13.07.2021/3P/5C