



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)Nos.11961, 12345 of 2021

Stephen @ Panchu Stephen ... Petitioner/Accused No.2
in Crl.OP.11961/2021

Kalistar Jebaraj ... Petitioner/Accused No.3
in Crl.OP.12345/2021

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.41/2021)

... Respondent/Complainant
in both Ops

For Petitioner : Mr.K.K.Ramakrishnan
in Crl.OP.11961/2021 for Mr.D.R.Murugesan, Advocate

For Petitioner : Mr.V.Kathirvelu,
in Crl.OP.12345/2021 Senior Counsel
for Mr.K.Prabhu, Advocate

For Respondent : Mr.P.Kottai Chamy,
in both OPs Government Advocate
(Crl.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.41 of 2021
on the file of the respondent Police.

COMMON ORDER : The Court made the following order :

The petitioners are apprehending arrest at the hands of the
respondent police in connection with the case in Crime No.41 of
2021, for the offence under Sections 376, 342, 379, 506(ii) IPC and
Sections 67(A), 66(E) of Information Technology Act, 2000 and
filed these applications seeking anticipatory bail.



2.The case of the prosecution is that the defacto complainant one Deepa, a divorcee is residing in Manjacharavilai, Kanyakumari District with her children. She was working in the matrimonial centre run by one Jefferson Vinish Lal (A1) in Puthanchanthai. While so, one day, on his request, the defacto complainant accompanied A1 to P.R.S.hospital, Thiruvananthapuram and on the way, they had lunch and cool drink. After having cool drink, she became unconscious. When she gained conscious, she found herself being nude in a room and A1 threatened her that he would share her obscene video to others. Therefore, she did not disclose it to anyone. Thereafter, A1 sexually exploited her by blackmailing with the video footage and on his insistence, she worked in a poultry farm at Nagercoil, where he incurred debt to the tune of Rs.1.5 Crore. Therefore, A1 insisted her to have physical relationship with several others in the locality. Whenever she refused, he blackmailed her with the videos and continued to exploit her sexually.

3.A2 and A3 / the petitioners herein and A4 and A5 had intercourse with her and by recording the same, they threatened her and continuously had physical relationship with her, despite refusal and her intention of committing suicide. Three persons from abroad also had physical relationship with her. During the month of April 2021, A1 caused injuries on her, when she refused his request and on her complaint before Thakkalai Police Station, A1 was warned. On that night A1 threatened her that he would circulate her video to others. Therefore, she lodged a complaint on 22.04.2021 before Thakkalai Police Station. In the meantime, A1 committed suicide on 29.04.2021. While so, the wife of A1 circulated obscene videos of the defacto complainant to A2 and others. On 16.07.2021, A3 by threatening her with the videos, had physical relationship, snatched her 9 sovereigns of gold chain and cheque book and criminally intimidated to kill her son. Therefore, she did not disclose the same to anybody. While so, Chandramehala, wife of A1 released few videos of the defacto complainant. In this regard, the defacto complainant lodged a compliant through online and in person to Thakkalai Police station and as such, the present case has been registered.

4.Learned Counsel for the petitioners, in unison, submitted that the defacto complainant, a divorcee, was having illegal relationship with several persons, moved very closely with A1 and extracted money from him. In order to extract more money from him, she lodged a false complaint as against A1 before the Thakkalai Police Station on 28.04.2021. But knowing that a false case has been foisted against him, A1 committed suicide on the same day at 04.55 pm. Before committing suicide, A1, over phone, informed her wife about the harassment caused to him at the hands of the defacto complainant and therefore, the wife of A1, Chandramehala, lodged a complaint as against the defacto complainant before Susindram Police Station on 29.04.2021 and the same was registered in



Crime No.160 of 2021. While so, the defacto complainant has lodged this complaint before the All Women Police Station, Marthandam on 07.08.2021. Therefore, they prayed for grant of anticipatory bail to the petitioners.

5.It appears that the defacto complainant, in her earlier complaint dated 21.04.2021, has alleged that A1 had physical relationship with her, recorded the same and by threatening her with the video, subjected her to prostitution. But this complaint was closed, since there was no response from the defacto complainant.

6.Be that as it may, since there is a complaint and counter complaint, this Court, by order dated 08.09.2021, directed the Superintendent of Police, Kanyakumari District to entrust the investigation in Crime No.160 of 2021 on the file of the Susindram Police Station and Crime No.41 of 2021 on the file of the All Women Police Station, Marthandam to a single investigation officer.

7.Learned Government Advocate (Crl. Side) submitted that pursuant to the orders of this Court, both the cases are being investigated by the Inspector of Police, Cyber Crime and it is also monitored by the Additional Superintendent of Police, Kanyakumari District.

8.The investigating officer, who is present before this Court today, submitted that during the investigation they found *prima facie* materials to show that the defacto complainant and A1 colluded with each other, fitted a camera and using the recording, exploited others. The camera was purchased in the name of the defacto complainant's son. She further submitted that the investigation is at the right path and at the nascent stage.

9.From the above submission of the investigating officer, it appears that the petitioners herein are also victims at the hands of the defacto complainant and A1. In such view of the matter, this Court is inclined to grant anticipatory bail to the petitioners.

10.Accordingly, both the petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Padmanabapuram at Thakkalai, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;



[b] the petitioners shall report before the respondent police daily at 10.30 am;

[c] the petitioners shall not tamper with the evidence or witness either during the investigation or trial;

[d] the petitioners shall not abscond either during the 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners have been 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

11.The investigation officer is expected to conduct the investigation in a fair and impartial manner and shall file the final report as expeditiously as possible. The Additional Superintendent of Police, Kanyakumari District, shall monitor the investigation.

sd/-

04/10/2021

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

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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 Judicial Magistrate No.II,
Padmanabapuram at Thakkalai,
Kanyakumari District.

2.Do Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.



3.The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.

4.The Inspector of Police,
Cyber Crime Police Station,
Kanyakumari District.

5.The Additional Superintendent of Police,
Kanyakumari District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.Prabhu, Advocate SR.No. 6918

ORDER IN
CRL OP(MD)Nos.11961, 12345 of 2021
Date : 04.10.2021

TR/PN/SAR-III(26.10.2021) 5P 8C