



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.13932 of 2022

TUSSHAR M JAIN

[PETITIONER / ACCUSED]

Vs

INSPECTOR OF POLICE [RESPONDENT]
W-10, ALL WOMEN POLICE STATION,
C-1, FLOWER BAZAAR POLICE STATION,
CHENNAI 600 005.
CRIME NO.03 OF 2022.

For Petitioner : M/S.P.V.S.GIRIDHAR Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.04.2022 for the offence under Section 366, 376 (3), 384, 506(i) of IPC r/w Section 5(1) & 6 of POCSO Act, 2012, in Crime No.03 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged that while she was studying in eighth standard, the petitioner sexually assaulted her under the guise of marriage. It is further alleged that the petitioner had taken obscene photographs of the defacto complainant and demanded money by threatening her that he will upload the same in social media. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that even according to the defacto complainant, the petitioner was also minor in the year 2019, when the first occurrence was took place. Therefore, the arrest of the petitioner itself is void. Further there is a delay of four years in the lodgement of the complaint, since the first occurrence took place in the year 2019. When the defacto complainant was studying in the ninth standard, no complaint was lodged by the victim or her parents. Insofar as the collection of money from the defacto complainant, both of them planned to go somewhere as such the petitioner collected money from



the defacto complainant. He further submitted that the petitioner is aged about 19 years and if the petitioner incarcerated for a long period, it would spoil his entire carrier. Now the investigation is almost completed and about to file final report. The learned counsel appearing for the petitioner also pointed out various Hon'ble High Court's judgment which considered the bail petition on the ground of delay and prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner sexually assaulted the defacto complainant and collected a sum of Rs.5,15,000/- from her by threatening that he will upload the nude picture of the defacto complainant in the social media. Hence, he vehemently opposed to grant of bail to the petitioner.

5. On perusal of the First Information report, the first occurrence took place while the victim was studying in the ninth standard. When the victim was studying in the eleventh standard, the petitioner had penetrative sexual assault on the victim girl, on showing the nude photographs of the victim girl and also on compulsion that if she never agreed for physical relationship, he will upload the photographs in the social media. At that time, the petitioner became major and he continuously made penetrative sexual assault on the victim girl.

6. That apart, the petitioner also received a sum of Rs.5,15,000/- from the victim girl on threatening that if the money is not paid, the photographs will be uploaded in the social media. Hence, the petitioner had committed very serious offence as against the victim girl and this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

-sd/-

17/06/2022

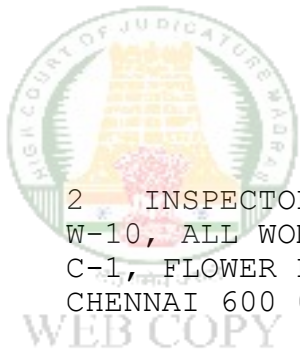
This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI



2 INSPECTOR OF POLICE
W-10, ALL WOMEN POLICE STATION,
C-1, FLOWER BAZAAR POLICE STATION,
CHENNAI 600 005.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.V.S.GIRIDHAR Advocate on payment of necessary
charges Sr.9513

CRL OP.13932/2022

Date :17/06/2022

RVR 24/06/2022