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Crl.O.P.No.27124of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27124 of 2022

Ramesh Kumar

... Petitioner

Vs.

State,Rep.by the ,
Inspector of Police,
AWPS East,
Coimbatore City
(Crime No.45 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending investigation in Crime
No.46 of 2022 on the file of the respondent police.

For Petitioner : M/s.O.S.Thilak Pasumbadiyar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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Tamil Arasi is already a married woman and thereby he has severed with the relationship, whereas the said Tamil Arasi demanded huge money from him and on refusal threatened the petitioner that she will upload the intimate photos taken during the relationship in social media and spoil his reputation and family live, in respect of which, the petitioner had earlier given a complaint against the said Tamil Arasi which was registered by Coimbatore Cyber Crime Police Station and enquiry was conducted in CSR.No.457 of 2022 , during such time, the said Tamil Arasi had informed the police that she will not interfere with the petitioner or his family members and the matter was compromised. Subsequently, one V.M.Saravana Kumar claiming to be a leader of Tamilthai Katchi had come to the factory of the petitioner and demanded an amount of Rs.5,00,000/- stating that if the claim of Tamil Arasi is not settled, he would give a complaint through the daughter of Tamil Arasi. The petitioner had given a complaint to the Chettipalayam Police Station on 30.07.2022, in respect of which, enquiry was conducted in CSR.No.385 of 2022. Subsequently, in order to extort money from the petitioner the said Tamil Arasi and the said V.M.Saravana Kumar have colluded together and through the minor daughter, they have given a false complaint on 11.08.2022. He would further submit that the petitioner and



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defacto complainant and her mother Tamil Arasi were not at all living in a separate household during the relevant time and the entire story is false one. He would further submit that even subsequently the said V.M.Saravana Kumar on the instigation of Tamil Arasi threatened the petitioner from a mobile phone claiming Rs.11,00,000/- as compensation to withdraw the case. The entire conversation is also recorded by the petitioner in his mobile phone. The petitioner has also filed an application to secure the Electronic Evidence in respect of the same. He would further submit that the petitioner has got a good case and he is prepared to contest the case. He would further submit that if the bail is not granted to the petitioner, he will not be able to contest the trial in an effective manner and the investigation has been completed and the case has been taken in Spl.SC.No.190 of 2022 on the file of the learned Additional Mahila Court, Coimbatore. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the Step Father of the defacto complainant. As per the complaint, the petitioner who is the step father of the victim girl aged about 13 years has misbehaved with her and inappropriately touched her. He would further submit that the statement of



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the minor victim girl has been recorded under Section 164 of Cr.P.C, wherein, she has stated that the petitioner has misbehaved with her and inappropriately touched her private parts. He would further submit that the investigation has been completed and the final report has been filed and the case has been taken for trial in Spl.SC.No.190 of 2022 on the file of the learned Additional Mahila Court, Coimbatore. Hence, he would vehemently oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the FIR and copy of CSR receipt in CSR.No.385 of 2022 on the file of the Chettipalayam Police Station and the 164 statement recorded from the minor victim girl and other documents filed.

6. Taking into consideration the facts and submissions made by both counsel, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Principal Special Court for POCSO Act, Coimbatore** 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 report before the learned Additional Mahila Court, Coimbatore at 10.30 a.m., on all working days for a period of four weeks and thereafter on the dates fixed by the learned trial Judge ;

[c] the petitioner shall not abscond either during trial;

[d] the petitioner shall not tamper with evidence or witness either during 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



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in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

09.11.2022

Vv

To

1. The Principal Special Court for POCSO Act,
Coimbatore
2. The Additional Mahila Court,
Coimbatore.
3. The Inspector of Police,
AWPS East,
Coimbatore City
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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