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CRL.O.P.No.2400 of 2023

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and

CrI.M.P.No.1774 of 2023

T.V.THAMILSELVI,J.

The petitioner who was arrested and remanded to judicial custody on 13.01.2023 for the offence under Sections 376, 354, 406 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.112 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had cheated and transmitted the obscene material against de-facto complainant. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned Counsel for the petitioner submitted that the petitioner/A1 is a bachelor and he is in Service of the Police Department for the past 26 years, he is a Sub Inspector of Reserved Police. He further submitted that the de-facto complainant came to the Police Station and often borrowed amount from the petitioner to meet out her daily needs. In fact, already she was married with one Mr.John Prathap and got divorced in I.D.O.P.No.21 of 2017 before the Family Court at Chengalpattu.



But suppressing the above fact, she had developed her relationship with the petitioner and later he came to know that she intends to harass the bachelors and getting extort money from him. Further, he would submit that the de-facto complainant gave false complaint against the petitioner and the petitioner had never indulged any offence as alleged by the prosecution. He further submitted that co-accused/A2 was arrested and released on Bail in Crl.M.P.No.2620 of 2022 dated 05.07.2022 before the learned Principal District and Sessions Judge Chengalpattu, Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) admitted that the petitioner is A1 in this case. He further submitted that the petitioner was a Sub Inspector of Police and he misused his position and misbehaved with the de-facto complainant and published her nude photos in Social Media and also threatened her and extort money from her. Hence, the complaint was raised against the petitioner and now, he is suspended from his service. Thereby, he vehemently opposed grant of bail to the petitioner.



5.Ms.L.Sheeba (De-facto complainant), Party-in-Person appeared

before this Court and submitted that she was NRI, who lived in abroad and came down to India while settling her life in India, she had contacted with the petitioner herein who supported her to sought out some dispute pertaining to her land in Padur. She further submitted that by believing his word, she had relationship with him but later she came to know that the petitioner used to associate with her in a malafide intention and attempted to grab her properties. Pursuant to that, she came to know that the petitioner indulged in the activities of abusing the persons who are living separately in the society. She also submitted that in one such case the petitioner had fabricated the Power Deed and became the Power of Attorney of Vijaya Banerjee and attempted to grab her property at Kodaikanal. Later, the said Vijaya Banerjee was died, since it was a murder case which was closed under the influence of the petitioner by suppressing the fact. To prove the same, she also enclosed the copy of the letter given by the said Vijaya Banerjee to the Sub-Registrar Kodaikanal and also enclosed the copy of the complaint given by the said Vijaya Banerjee to the Sub Inspector of Police, Chennai. Further, she submitted that the petitioner cheated various persons in similar way, to that effect, she produced the copy of the FIR



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registered against the petitioner on the file of the CCB Chennai. Hence, she prayed to dismiss the bail petition.

6.Now the prosecution also admits that the said Vijaya banerjee was died and the investigation with regard to the death of the Vijaya banerjee has not been clarified by the prosecution.

7.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side), and Ms.Sheeba appeared as Party-in- Person and perused the materials available on record.

8.On perusal of the letters issued by the Vijaya Banerjee dated 11.11.2018 and 09.03.2019 *prima facie* reveals that she was under the threat and she mentioned about this petitioner that he attempted to grab her property by creating fabricated documents. Further, one more complaint also received against the petitioner which was registered in Crime No.32 of 2023 on the file of the CCB Chennai. Therefore, the fact reveals that the petitioner was a person who had attempted to grab the property by misusing



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his position and abusing the persons who are living separately in the
Society.

9.Considering the facts and circumstances of the case and also
the fact that the petitioner has indulged in various crimes which are similar
in nature, this Court is not inclined to grant bail to the petitioner.

10.Accordingly, this Criminal Original Petition stands dismissed.

07.02.2023

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