



Crl.O.P.No.13517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13517 of 2023

Jerman Rakesh

... Petitioner

Vs.

State by
The Inspector of Police,
AWPS East Police Station
Coimbatore District
(Crime No.29 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.29 of 2023 pending
investigation before the respondent police.

For Petitioner : Mr.S.Ramesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody through on 26.04.2023 for the offences punishable under **Sections 366, 342, 376 and 506(ii) IPC read with 114 of IPC, in Crime No.29 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Cassandra Saleena Holden, aged 20 years is that she is studying college and the accused on the assurance of giving her college fees, on 23.04.2023 at about 7.30 p.m., had taken her to a lodge wherein A1/Ravindran had taken her inside the room and by threatening her that the Jerman Rakesh/petitioner herein, who is waiting outside would do away with her parents, had forceful sexual intercourse with her and again on 24.01.2023, A1/Ravindran committed sexual assault on her. Thereafter, she called her friend one Poovarasan and informed the same and subsequently, they lodged the complaint. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He



would submit that there was a relationship between A1 and the defacto complainant and that the victim had voluntarily gone along with A1/Ravindran and later, due to the reasons best known to her, she has given a false complaint against A1 and the petitioner herein. Even as per the allegations in the complaint, A1 had threatened the victim girl stating that the Jerman Rakesh/petitioner herein who is waiting outside would do away the life of her parents if she does not have sexual intercourse with him. Other than that there is absolutely no allegation against the petitioner as if, he committed sexual assault on the victim girl. He would submit that the petitioner has been languishing in jail from 26.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner is the friend of one Ravindran/A1. When the victim girl who is studying in college was not in a position to pay her college fees, the accused by taking advantage of the same, took her to a lodge under the guise of giving her fees wherein, the said Ravindran/A1 committed sexual assault on her by force. However, he would submit that there is no allegation against the petitioner herein as if, he committed sexual assault on the victim



girl. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and the statement of the victim girl recorded under Section 164 Crl.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Additional Mahila Court, Coimbatore**, and on further conditions that:



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[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 respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during 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 petitioner in accordance with law as if the conditions have been imposed and the petitioners 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]*;

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

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Judicial Magistrate, Additional Mahila Court,
Coimbatore
- 2.The Inspector of Police,
AWPS East Police Station
Coimbatore District
3. The Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.

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