



CrI.OP.No.19942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19942 of 2023

Prakashraj

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Tirukkivilur,
Kallakurichi District.
(Crime No.23 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.23 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : M/s.A.Balamurugan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.OP.No.19942 of 2023

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ORDER

The petitioner , who was arrested and remanded to judicial custody on 04.08.2023 for the offences punishable under Sections 417, 376, 493, 506(ii) and Section 354 C of IPC and Sections 66 E & 67 A of Information Technology (Amendment Act) in Crime No.23 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner and the defacto complainant were friends. However, defacto complainant had given false and exaggerated complaint against the petitioner. Thus, this case came to be registered. Petitioner is in judicial custody from 04.08.2023. Thus, he prays for grant of bail.

3. Learned Additional Prosecutor opposes this petition, on the ground that, petitioner and the defacto complainant started as friends and then, became lovers. On 15.07.2023 at the invitation of the petitioner, defacto complainant visited his house. There were no one in the house, except the petitioner. At about 04.30.p.m., against the will and wish of



CrI.OP.No.19942 of 2023

the defacto complainant, petitioner had sexual relationship with her multiple times. They used to speak through cellphone. During the video call, petitioner used to project him nude and asked the defacto complainant to come on nude. He threatened her that, he will only marry the defacto complainant, only if she show herself nude. Therefore, defacto complainant showed herself nude in the video call. Thereafter, defacto complainant's parents started looking for a bride groom to the defacto complainant. Defacto complainant informed this to the petitioner and asked him to marry her. Petitioner tied thalli to the defacto complainant and taken photographs. They involved in sexual relationship. On 27.04.2023, petitioner told the defacto complainant that, he is going to marry his uncle's daughter. This was confronted to the petitioner by the defacto complainant's family members on 26.07.2023. Petitioner though, had sexual relationship with the defacto complainant, he refused to marry her. Thereafter, complaint was given and the case came to be registered. The statement of the victim girl/ defacto complainant under Section 164 of Cr.P.C and the medical examination was also over.



CrI.OP.No.19942 of 2023

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4. Defacto complainant reiterated the allegations in FIR in her statement recorded under Section 164 of Cr.P.C.

5. From the narration of the facts and from the submission of the learned counsel appearing for the parties and from the FIR allegations, this Court finds that, defacto complainant had consented to have sexual relationship with the petitioner and to show herself nude through video calls.

6. When enquired, learned Additional Public Prosecutor on instructions from Ms.G.Ranjitha, Grade I Constable, All Women Police Station, Thirukovilur submitted that, there is no electronic evidence to show that, defacto complainant came on nude through video call.

7. In the said circumstances, having regard to the fact that, petitioner is in Judicial Custody from 04.08.2023 and that material part of the investigation might have been over by this time, this Court is



CrI.OP.No.19942 of 2023

inclined to grant bail to the petitioner.

8. 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 Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thirukkivilur** 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 respondent Police daily at 10.00.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



CrI.OP.No.19942 of 2023

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

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

14.09.2023

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To

1. Judicial Magistrate, Thirukkivilur
2. The Inspector of Police,
All Women Police Station,
Tirukkivilur,
Kallakurichi District.
3. District Prison,
Villupuram.
4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.19942 of 2023

G.CHANDRASEKHARAN. J.

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Crl.OP.No.19942 of 2023

14.09.2023