



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 15.02.2023

Pronounced on : 02.03.2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1195 of 2023

Kasi @ Suji

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Cbcid-Police Station, Nagercoil,
Kanyakumari District.
(Crime No.08/2020)..

... Respondent/Complainant

For Petitioner : M/s.V.Kathirvelu
Senior Counsel
M/s.Prabhu K,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime no.08/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 was arrested and remanded to Judicial Custody on 27.10.2020 for the offences punishable under sections 376,354 (A),354(B), 354(C), 354(D), 294(b),417, 506(i) of IPC and section 66 (E) of Information Technology Act in Crime No.8 of 2020 on the file of the respondent police, seeks bail.

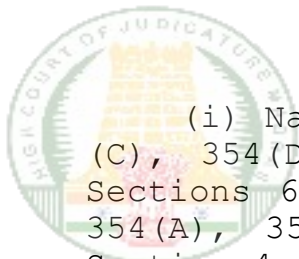
2. The case of the prosecution is that the defacto complainant got acquainted with the first accused through facebook and thereafter they both exchanged their phone numbers and the first accused expressed that he loves her and further compelled her to come in person. Hence she went to meet the first accused and he came in red colour volkswagen car bearing Reg. No.TN 74 AT 5518 and took her into the Car. Further at about 7.00 p.m.,he brought the defacto complainant to his poultry farm where he had physical relationship with her and taken video of the same without her knowledge. After



her with him to the poultry farm but she refused to go with him, hence the first accused abused her with filthy language and threatened her that he will upload their private videos in the social media. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that in this case investigation has been completed and final report has been filed before the Fast Track Mahila Court, Nagercoil and the same has been taken cognizance in S.C. No.41 of 2021 and the case stands posted to 27.03.2023 for questioning under section 313 of Cr.P.C. He would further submit that evidence on record let in by the prosecution so far would only lead to inference that there was consensual physical relationship between the petitioner and the defacto complainant and the serious offences for which the petitioner has been charged will not be made out against him. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed on him by this Court. He would further submit that the accused is in custody from 27.10.2020, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein demanded sexual favours and allured the victim girl on the pretext of genuine love and on compulsion had obtained her consent in a fraudulent manner and had committed penetrative aggravated sexual assault on the victim girl and also recorded the private acts in the video without her knowledge. Further showing the video he had threatened her and compelled her to have sexual intercourse repeatedly. Further he had also saved all the recorded videos and images in his Apple laptop. He would further submit that the petitioner apart from this case had involved in very serious offences of cheating nearly 120 women by committing sexual assault on them. Infact he also had induced several woman and children and committed sexual assault on them and he had at the same time without the knowledge of the victim videographed them and stored them in his laptop and later threatening the victim that he would upload the same in social media had compelled them and repeatedly used them for satisfying his lust. The father of the petitioner who is also a co -accused in this case had earlier attempted to destroy the evidence by erasing the videos and they were later recovered from the hard disc of the laptop. The laptop contained more than 1900 obscene videos out of which more than 400 videos have been recorded by by the accused while abusing the victims. He would further submit that in this case investigation has been completed and final report has been filed before the learned Sessions Judge, Mahila Court, Nagercoil and the same has been taken cognizance in S.C. No.41 of 2021 and the trial is almost over. Further the petitioner had also ravished several other women and minor children in respect of which the following cases are registered. The cases are as follows:



(i) Nagercoil CBCID Cr.No.02 of 2020 under Sections 354(C), 354(D), 420, 385 and 506(i) IPC, Section 4 of TNPHW Act & Sections 66(E), 67 and 67(A) of IT Act 2000 altered into Sections 354(A), 354(C), 354(D), 385, 420, 506(i), 294(b) and 201 IPC & Section 4 of TNPHW Act 2002 & Sections 66(E), 67 and 67(A) of IT Act 2000 (Mother Case in Kottar Police Station - Cr.No.503/2020 - under Sections 354(A), 354(C), 354(D), 420, 385 and 506(i) IPC, Section 4 of TNPHW Act and Sections 66(E), 67 and 67(A) of IT Act 2000 reassigned).

(ii) Nagercoil CBCID Cr.No.04/2020 under Sections 420 and 406 IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 altered into Sections 420, 406, 419, 465, 467, 468, 471, 384, 506(i), 109, 294(b) and 120(B) IPC r/w. 34 IPC & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 (Mother case in Vadasery Police Station - Cr.No.316/2020 - under Sections 420 and 406 IPC & Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003)

(iii) Nagercoil CBCID Cr.No.05/2020 under Sections 376, 354(A), 354(C) and 323 IPC & Section 66(E) and 67(A) IT Act 2000 altered into Sections 376, 354(A), 354(C), 323, 120(B), 201 IPC & 66(E) and 67(A) IT Act 2000 (Mother case in Nagercoil All Women Police Station - Cr.No.18/2020 - under Sections 376, 354(A), 354(C) and 323 IPC & Sections 66(E) and 67(A) IT Act 2000).

(iv) Nagercoil CBCID Cr.No.06/2020 under Sections 376, 511, 354(A), 323, 506(i) IPC & 67(A) IT Act 2000 altered into Sections 417, 376 r/w. 511, 354(A), 354(B), 354(C), 354(D), 323, 294(b) and 506(i) IPC r/w. 201 IPC & Section 4 of TNPWH Act 2012 and Sections 66 and 67(A) IT Act (Mother case in Nagercoil All Women Police Station - Cr.No.19/2020 under Sections 376, 511, 354(A), 323 and 506(i) IPC & 67(A) IT Act 2000)

(v) Nagercoil CBCID Cr.No.07/2020 under Sections 4, 5(1), 6 of POCSO Act and Section 67 IT Act 2000 altered into Sections 406, 417, 420, 366, 376, 394(b), 506(i), 305 r/w. 511 IPC r/w 201 IPC & Sections 5(1), 6, 9(1), 10, 11(iv), (v), (vi), 12, 14(3), 15, 17 of POCSO Act 2012 & Section 67(B) of IT Act 2000 (Mother case in Kanniyakumari All Women Police Station - Cr.No.13/2020 under Sections 4, 5(1), 6 of POCSO Act & Section 67 IT Act 2000).

5. The learned Additional Public Prosecutor would further submit that all those cases are also ripe for trial and in the fifth case registered in Crime No.7 of 2020 by Nagercoil, CBCID the petitioner had ravished the minor girl and most of the cases are ripe for trial and in such circumstances if bail is granted to the petitioner the petitioner being a influential person there is every possibility of threatening the witnesses and interfering with the trial. Further in most of the cases the petitioner has without the knowledge of the victims have recorded videos and if at this stage if bail is granted to the petitioner, there is every possibility of him threatening the witnesses and it will also instil fear in the minds of the victims who are mostly woman and children and he would seek for dismissal of the bail petition.



6. Heard. Perused the materials available on record including the First Information Report.

7. The petitioner apart from this case is also involved in five other cases, where he is alleged to have ravished several other women and children and it is stated that all other cases are also ripe for trial. It is the further case of the prosecution that if the petitioner is granted bail, there is every possibility of him threatening the witnesses who are mostly women and children.

8. Taking into consideration the facts and submission and also the gravity of the allegations against the petitioner this Court is of the opinion that it is not a fit case to grant bail at this stage.

9. Hence the petition stands dismissed.

sd/-

02/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
CBCID-POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-3235[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.1195 of 2023

Date :02/03/2023

SS/RR/SAR II(09.03.2023) 4P 5C