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Crl.O.P.No.30808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No.30808 of 2024

Santhosh Kumar @ Sam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W7- All Women Police Station,
Anna Nagar, Chennai – 600 040.
(Crime No.49 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in Crime No.49 of 2024, on the file of the respondent Police.

For Petitioner : M/s.Murali Law firm

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervener : M/s.M.Bhavani

ORDER

Petition seeking bail in respect of Crime No.49 of 2024 registered for the offences punishable under Sections 376, 420, 354, 354(A) IPC r/w Section



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296(b) and 351(2) of BNS @ 376, 420, 354, 354(A) of IPC and Section 296(b) and 351(2) of BNS and altered Section 67 of IT Act and Section 4 of TNWH Act, is on board for consideration.

2. The incarceration of the petitioner being from 27.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned Counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner and the defacto complainant were living together and there was a consensual relationship between them. Due to some misunderstanding, a false complaint has been filed against him. He further submitted that the petitioner understands that the statement had been recorded from the victim girl and that the major part of the investigation is also over. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.Side) appearing for the respondent police, opposing for grant of bail, is that the defacto complainant is a dance artist under a serial actor and that she was acquitted with the accused, who was a DJ artist. Later, they were in love



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with each other and started living in the same house, and in the absence of the defacto complainant, the accused brought several women to his house and committed sexual intercourse with them. When it was questioned by the defacto complainant, the accused assaulted her and also threatened to upload the private videos on social media and further he cheated the defacto complainant to the tune of Rs.15 lakhs.

4. M/s.M.Bhavani, learned counsel for the Intervenor would submit that the petitioner had a love affair with the defacto complainant and when it broke up with the defacto complainant, he threatened her to post her videographs on social media, sexually assaulted her, and also cheated her for a sum of Rs.15 lakhs. Hence, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the case has arisen due to misunderstanding and financial dispute and the petitioner without prejudice is ready to deposit the amount of Rs.2 lakhs to the credit of Crime No.49 of 2024, and the petitioner has no objection to the amount being given to the defacto complainant.



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6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.2 Lakh/- (Rupees Two Lakhs only)**, to the credit of the **Cr.No.49 of 2024 before the Court concerned**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent, considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Principal District and Sessions Judge, Chennai**, 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;



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[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

(c) The Petitioner as per the undertaking, shall deposit a sum of Rs.2 lakhs to the credit of Crime No.49 of 2024 before the trial Court, and the learned trial judge after identification by the respondent, shall release the amount of Rs.2 lakhs to the defacto complainant.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

19.12.2024

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A.D.JAGADISH CHANDIRA., J.

drl

To

1. The Principal District and Sessions Judge,
Chennai.
2. The Inspector of Police,
W7- All Women Police Station,
Anna Nagar, Chennai – 600 040.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.

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