



CRL OP(MD)No.6065 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Raja Mohammed

... Petitioner / Accused No.3

Vs

State rep by The Inspector of Police,
CBCID - South,
Ramanathapuram District.
(Crime No.1 of 2023)

... Respondent / Complainant

For Petitioner : Mr.Ajmal Khan Senior Counsel
for M/S.Ajmal Associates

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :- For Bail in Spl.C.C.No.34 of 2023 on the file of the Sessions Judge (Fast Track Mahil Court), Ramanathapuram

ORDER: The Court made the following order :-

The petitioner / A3, who was arrested and remanded to judicial custody on

03.03.2023 for the offence punishable under Sections 363, 366(A), 376(3) and 5(1), 6, 16
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and 17 of Protection of Children From Sexual Offences Act in Spl.C.C.No.34 of 2023 on the file of the Sessions Judge (Fast Track Mahila Court), Ramanathapuram in Crime No.1 of 2023.

2.The prosecution case is that the petitioner along with the other accused had taken a 15 years old girl child to a hotel and committed penetrative sex on her. On the complaint of the victim girl on 02.03.2023 this case was registered. This victim girl was subjected for sexual harassment by one Sigamani on 26.12.2022 and by this petitioner along with another accused on 12.02.2023. The case was initially registered in Crime No.5 of 2023 on the file of the All Women Police Station and later on it was transferred to CB-CID, Ramanathapuram. The CB-CID, Ramanathapuram has filed two final reports in Spl.SC.No.33 of 2023 and Spl.SC.No.34 of 2023 for the incidents which are said to have taken place on 26.12.2022 and on other days by one Sigamani and others. As per the final reports, on 12.02.2023 Raja Mohammed and Pudumalar Prabakaran involved in the offence.

3.The learned Senior Counsel appearing for the petitioners submits that the investigation in this case has been completed, final report has been filed and trial has also commenced. During the trial the victim girl has not supported the prosecution case. The prosecution has conducted the case based on the tutored statement of the victim. He further submits that accused No.1 Sigamani and A4 and A5 were



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released on bail by the Court of Sessions and by this Court respectively. Accused No.1 Sigamani was granted bail by the Court of Sessions in CRL MP No.662 of 2024 and A4 and A5 were granted bail by this Court in CrIOP(MD)No.23008 of 2023 vide order dated 20.12.2023.

4.The learned Senior Counsel for the petitioner fairly submits that the bail granted to A1 was subsequently cancelled by this Court and that was challenged before the Hon'ble Supreme Court, wherein interim stay was granted and therefore, A1 is at large.

5.The learned Additional Public Prosecutor produced the statement of the victim girl recorded under Section 164 CrPC and submits that the victim girl aged about 15 years was subjected to sexual harassment by the petitioner and other accused with the help of the A4 and A5. He further submits that as per the statement recorded by the investigation agency on 10.03.2023 the victim girl stated specifically that this accused along with other accused had indulged in group sex with her. He also submits that the investigating agency has collected CCTV footages from the Toll Gate, which would disclose the victim girl was taken by A4 and A5 along with this accused in a car of the accused bearing registration number TN 64 P 1206. Therefore, he opposes for grant of bail to the petitioner.

6.This Court considered the rival submissions and perused the materials placed



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on record.

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7.The allegations sworn in the victim's statement appears to be very serious in nature. The victim girl aged about 15 years was lured by A4 and A5 that they would get her food, mobile phone, clothes, etc., taken to a lodge by them, where they facilitated A1 Sigamani to have sexual intercourse with the victim girl. She was taken 7 such times with A1 Sigamani and also was taken by this accused on 12.02.2023 and he along with one Prabaharan @ Pudumalar Prabaharan had sexual intercourse with the victim girl and they have also indulged in group sex. The petitioner and the other accused are businessmen and therefore they have influenced accused Nos.4 and 5, convinced this child and committed penetrative sexual assault on her. The victim child has also narrated this incident in her statement recorded under Section 164 CrPC and the prosecution has also recorded the statement of the victim's mother and grand mother.

8.In this case the main accused Sigamani was released on bail and though said bail was cancelled by this Court, the Hon'ble Supreme Court has granted interim stay and on account of that the said accused is at large. The fact remains that the trial commenced, victim was examined on 30.07.2023 and the victim in her evidence has not stated anything against this petitioner. The stage of the trial is not known and except this witness all others witnesses are either hearsay witnesses or official



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witnesses.

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9.The petitioner was arrested on 03.03.2023 and he is in prison for the past 15 months. Considering the period of incarceration and the victim girl has not supported the trial, this Court is inclined to grant bail to the petitioner, however with strignet conditions. Accordingly this petitions is allowed. The petitioner is ordered to be released on bail

i.on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the learned Sessions Judge (Fast Track Mahila Court), Ramanathapuram;

ii.The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii.The petitioner shall appear before the respondent police daily at 10.30 am until further orders. He has to co-operate for the investigation;

iv. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well in all the hearings;



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v. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail;

sd/-
18/06/2024

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21/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

1 THE SESSIONS JUDGE
(FAST TRACK MAHILA COURT),
RAMANATHAPURAM.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
CBCID - SOUTH,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-6633[I] dated 19/06/2024)

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ORDER
IN
CRL OP(MD) No.6065 of 2024
Date :18/06/2024

SA//SAR. /21.06.2024/7P/C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.