

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Vacation Sessions Judge/Principal Sessions Judge,
Kanniyakumari at Nagercoil.

Thursday, the 16th day of May, 2024.

CrI.M.P. No. 2/2024

(CNR.No.TNKK00-000008-2024)

Rajesh @ Rajesh Singh S/o. Joseph

.. Petitioner

/Vs./

Inspector of Police,

CBCID, Kanyakumari,

Crime No. 2/2021 of CBCID, Kanyakumari,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru S. Anto Cletus Raj, u/s 439
Cr.P.C. praying to grant bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s
376, 377, 294(b), 354(A), 323, 506(ii) of IPC and Section 67(A) of IT Act, 2000 @
417, 354(A), 354(B), 354(C), 354(D), 376, 323, 324, 294(b), 506(i) and 201 of IPC
and Section 4 of TNPHW Act, 2002 and Section 66(E), 67, 67(A) of IT Act, 2000.

The case of the prosecution is that the 1st accused followed the defacto

complainant through social media and from 07.05.2019 to 02.03.2020 on various occasions, at different places, showed the porn videos to the defacto complainant disrobed her dresses, committed sexual intercourse, video graphed in his mobile, abused her, sexually harassed and threatened her. Further the 1st accused uploaded the videos in social media thereby tortured her. On 11.08.2019, the 1st accused along with the defacto complainant went to Chennai from Bangalore in a car and the 2nd accused travelled in the said car and occupied the front seat and touched the defacto complainant's leg who had seated in a back seat and attempted to touch her breast. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he has been falsely implicated in this case and the occurrence took place on 11.08.2019, but the defacto complainant lodged complaint only on 06.01.2021, which is under suspicious and the petitioner went abroad on 21.06.2022 and he has no knowledge about the instant case and the 1st accused was arrested and granted bail by the Additional Mahila Court in Crl.M.P. No.502/2021, dated 09.08.2021 and the petitioner is in judicial custody from 27.04.2024 and the investigation of the case is almost over and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that the 1st accused raped the victim on several occasions. On 10.08.2019 A1 took the victim girl to Bangalore and raped her therein. Then on 11.08.2019 he brought her to

Chennai in a car. This petitioner who is a close associate of A1 also travelled in the car. During the travel, the petitioner sat in the front seat of the car and attempted to touch the private part and after some time the petitioner came to back seat and touched her breast and attempted to molest her. After the commission of the occurrence, the petitioner absconding in Dubai and lookout circular was issued and on 26.04.2024 this petitioner came to Chennai and in the airport he was secured by the police and the petitioner has been subjected to potence test and the investigation of the case is almost over and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/Accused and also considering the fact that the petitioner/accused has been in judicial custody for the past 19 days and also argument of the learned Public Prosecutor that the petitioner has been subjected to potence test and the investigation of the case is almost over, this court is inclined to grant bail to the petitioner/Accused with conditions.

In the result, the petitioner/Accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.I, Nagercoil and after release the petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders and accordingly this petition is allowed.

If there is any violation of condition, the Investigation Officer is with in

his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 16th day of May, 2024.

Vacation Sessions Judge.

To

The Judicial Magistrate No.I, Nagercoil. (through e-Mode)

The Inspector of Police, CBCID, Kanyakumari. (through court cell e-Mode)

The Superintendent, District Jail, Nagercoil. (through e-Mode)

The counsel for the petitioner.