

No doubt, conspiracy is hatched in secrecy and direct evidence is rarely available. The prosecution is trying to allege the conspiracy and to connect the petitioner herein with the case, on the basis of circumstantial evidence. It emerges that, investigating agency is proceeding on a premise that, the petitioner herein had a definite stand that he did not know the first accused and never had occasion to meet him. Another premise on which the investigation proceeded was that, the complaint dated 20-04-2017 submitted by the petitioner to the Director General of Police was a clever move to preempt a possible// revelation of the involvement of the petitioner in the crime, by the first accused. The learned Director General of Prosecution relied on the materials available on record to contend that investigation has gathered sufficient materials to establish the role of the petitioner in the conspiracy. They fall into two categories. Those materials prior to the actual commission of offence and the conduct of the accused subsequent to the commission of offence.

Definitely, the incident that happened on 17-02-2017 is very serious. A young actress was abducted in the busiest National Highway, taken through the city for about two and half//hours, subjected to the shocking ordeal of sexual assault and video graphed, inside a moving car. The victim had identified the first accused in the car itself. At the

initial stage itself, matter was reported to the police and the second accused driver whose conduct appeared to be doubtful was arrested, immediately after the incident. The commission of crime is so cruel and diabolic and liable to shake the conscience of the society.

The investigation agency alleges that, the petitioner herein had a definite motive to commit crime. It was alleged that, the petitioner herein suspected that the victim was//instrumental for the disruption of his matrimonial relationship. The petitioner believed that, the victim had spoiled his family life by conveying information about the petitioner to the former wife. There are enough materials available on record to show that, the relationship of petitioner with victim was strained. There are versions of few persons that, the victim lost few opportunities to act in films thereafter, which affected her professional career also.

The conspiracy angle is sought to be established by alleging that the petitioner herein had met the first accused at five different specified places, where the conspiracy was hatched. One//was in a hotel wherein the petitioner allegedly instructed the first accused to commit the act and offered to pay the huge amount. Hotel records are relied on by the prosecution to establish that room was booked in the name of the

petitioner therein. The presence of both the petitioner and the accused at all the five places at the same time is sought to be established by call record details, tower location of mobiles or by direct oral evidence, gathered by the investigation. The disclosure made by the first accused about the conspiracy hatched with the petitioner, in the//investigation and those made to others have led to discovery of several crucial materials and facts.

The prosecution has a case that, the tenor and tone of the letter allegedly sent by the first accused did not evidence that it was in the form of a threatening letter or intended to blackmail the petitioner. Versions of some persons, to whom first accused allegedly disclosed the conspiracy, are available. It is on record that, after the arrest of the first accused, a mobile phone was stealthily taken//inside the jail by first accused and he had contacted several persons. Call details both of the above mobile phone and that from the coin box land line provided in the jail show the continuous phone calls made by the first accused to few doubtful persons, some prsons connected with the petitioner and inter se calls among them. Details of several inter connected phone calls are also unearthed by the investigating agency, with the tower location of each person. Details of attempts made by Vishnu to contact petitioner through few sources are also on

record. Records indicated that the first accused had written the letter from the jail itself. Materials to indicate that, immediately//after the commission of crime, the accused along with a co-accused had attempted to hand over the mobile and memory card to the associates of petitioner.

The above facts, show that *prima facie* there are materials to suspect the involvement of the petitioner in the crime. Investigation is still progressing. It is still at a crucial stage. It was submitted by the learned Director General of Prosecution that, the manager Appunni is absconding and the lawyer involved has to be effectively questioned. The possibility of implicating other persons in the crime has also not been ruled out by the//learned DGP. Investigation seems to be progressing.

The case is unique, considering its seriousness, meticulous planning, cruel nature of execution and being a crime executed to wreak vengeance on a woman by engaging criminals, to sexually abuse her. Courts have to be circumspect in granting bail in such cases.

There is yet another major reason which prompts rejection of bail application. The crucial material object which is the mobile phone used for recording the sexual assault and the memory card in which the

video graphed materials are stored have not been recovered. The memory card is a potential threat to the life of the victim and there is every possibility of any of the accused attempting to interfere in the investigation and the prosecution with the memory card.

The petitioner, being a noted film actor, is also involved in the distribution and production of films and is also owner of a theater. Definitely, he must be wielding considerable command on the industry. Hence, the possibility of the petitioner influencing or threatening the several witnesses, who are also from the same industry, cannot be ruled out.

Having considered the above facts, I feel that it is too early at this stage to grant bail to the petitioner. Accordingly, bail application fails and is dismissed.