



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twelfth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.18045 & 18368 of 2015

KARTHICK @ RAMESH

... PETITIONER / ACCUSED No.4

IN CRL OP(MD) No.18045 of 2015

VINOTH

... PETITIONER / ACCUSED No.5

IN CRL OP(MD) No.18368 of 2015

Vs

THE STATE REP.BY THE SUB INSPECTOR OF POLICE

SIVAGANGAI TALUK POLICE STATION,

SIVAGANGAI DISTRICT.

[CRIME NO. 267 OF 2015]

... RESPONDENT / COMPLAINANT

IN BOTH PETITIONS

For Petitioner : M/S. MAHENDRAN Advocate for M/S.S.SHANMUGANATHAN Advocate
IN CRL OP(MD) No.18045 of 2015

For Petitioner : M/S. P.VENKATESAN Advocate
IN CRL OP(MD) No.18368 of 2015

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)
In both Petitions

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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

COMMON ORDER : The Court Made the following order :-

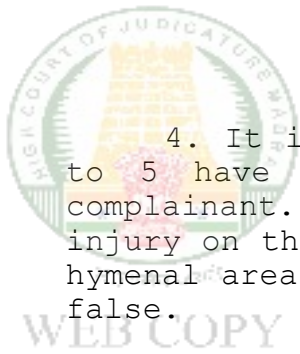
The petitioner/A4 in Crl.O.P.No.18045 of 2015, who was arrested on 02.09.2015 for the alleged offences punishable under Section 376 IPC in Crime No.267 of 2015 on the file of the respondent police has moved a petition for bail.

The petitioner/A5 in Crl.O.P.No.18368 of 2015, apprehending arrest at the hands of respondent police for the alleged offences punishable under Section 376 IPC in Crime No.267 of 2015 on the file of the respondent police has moved a petition for anticipatory bail.

2.According to the defacto complainant, the second accused namely, Jeyapandi had love affair with her and also on 02.09.2015 at 7.00 p.m the second accused took the defacto complainant to Easanoor Kanmai and at 8.30 p.m the accused 1 to 5 have ganged-up and raped her which was noticed by the villagers.

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3.The learned counsel for the petitioners submitted that the defacto complainant is aged about 20 years and she was having love affair with the second accused and the accused 1, 3 to 5 are friends of the second accused and due the dispute between the defacto complainant and the second accused they have been falsely roped in this case.



4. It is further submitted that as per the allegation, the accused 1 to 5 have raped one after another against the wish of the defacto complainant. But, the medical report would show that there is no external injury on the defacto complainant and there is no recent tear noted in the hymenal area, which shows that the entire allegations in the complaint are false.

5. The learned Government Advocate (Crl.Side) has produced the copy of the Accident Register issued by the Medical Officer, Sivagangai Medical College Hospital in which it is stated that there is no external injuries over the external genitalia and no recent tear noticed in the hymenal area and there is no external injury over the breast. The learned Government Advocate submitted that the by-passers of the area have witnessed the occurrence and they were also attacked by the accused for which a case for the offence under Section 307 IPC is registered against them in a separate crime number.

6. However, considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, it is ordered that the petitioner in Crl.O.P.No 18045 of 2015 shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai, and on further condition that the petitioner shall report before the respondent police twice a day i.e at 10.00 a.m and 5.00 p.m until further orders after his release on bail.

7. As far as the anticipatory bail (Crl.O.P.No 18368 of 2015) petition is concerned, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to him. Accordingly, the petitioner/A5 in Crl.O.P.No. 18368 of 2015 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Sivagangai and on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction to the learned Magistrate concerned on further condition that the petitioner shall report before the respondent police twice a day i.e at 10.00 a.m and 5.00 p.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-
12/10/2015

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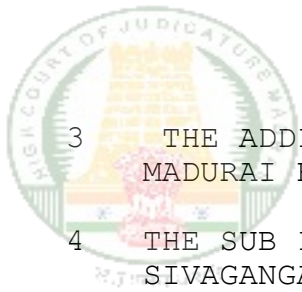
Sub-Assistant Registrar (C.S.)

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE, NO.II, SIVAGANGAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.



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

4 THE SUB INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.

5 THE SUPERINTENDENT CENTRAL PRISON, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.60356.

+1cc to M/S. P.Venkatesan Advocate in SR.No 60289

TS/13.10.2015/3P - 8C KBM/SAR -I

ORDER

IN

CRL OP(MD) Nos.18045 & 18368 of 2015

Date :12/10/2015