



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

Tuesday, the Seventeenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.20009 of 2015

DINESHKUMAR @ DINESH PERUMAL ... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSEPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOVILPATTI, TUTICORIN DISTRICT.
CR. NO.9/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.SATHISH BABU Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.09.2015 for the alleged offences punishable under Sections 376, 354(c) 312, 506(ii) IPC and Section 67(A) of Information Technology Act, in Crime No.9 of 2015 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that both the petitioner and the defacto complainant were working in Poorvika Mobile shop at Kovilpatti. On 28.05.2015, the petitioner compelled the defacto complainant to take cool drinks and thereafter, the defacto complainant became unconscious. Thereafter, the petitioner raped her, when she was in unconscious stage. At that time, the petitioner took obscene photographs in his mobile phone and threatened the defacto complainant. Hence, the defacto complainant has given the present complaint.

3.The case of the petitioner is that the petitioner and the defacto complainant were in love with each other. The petitioner belongs to Scheduled Caste Community and on the instigation of the father of the defacto complainant, she has given the complaint to take action against the petitioner with false story.

4.The learned counsel for the petitioner submitted that both the petitioner and the defacto complainant married and living together.



5.It is submitted by the learned Government Advocate (Crl.Side) that the petitioner raped the defacto complainant and took photographs in his cellphone and threatened her with dire consequences stating that the photographs will be sent by whatsapp to others.

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6.Considering the nature of the case and also considering the gravity of the offence committed by the petitioner and the petitioner is alleged to have taken photographs of sexual contact, I am not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed. However, the respondent police is directed not to arrest the petitioner till 24.11.2015.

sd/-

17/11/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,KOVILPATTI
- 2 THE CHIEF JUDICIAL MAGISTRATE,TUTICORIN.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSEPECTOR OF POLICE
ALL WOMEN POLICE STATION,KOVILPATTI,TUTICORIN DISTRICT

+1. CC to M/S N.SATHISH BABU Advocate SR.No.65685

ORDER

IN

CRL OP(MD) No.20009 of 2015

Date :17/11/2015

AA/SKS-RR/SAR-II/18.11.2015/2p-6c