



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

Friday, the Fifteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11722 of 2016

ANTHONY,

... PETITIONER / ACCUSED No.2

Vs

The State represented by its
THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SANKARANKOIL,
TIRUNELVELI DISTRICT.
(CR.NO.7/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S JEEN FELIX Advocate

For Respondent : MR.P.Kannithevan Govt. Advocate (Crl. Side)

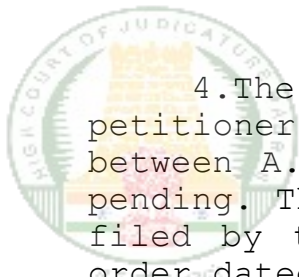
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 31.05.2016 for the alleged offences punishable under Sections 376, 354, 506(i) IPC, Section 67 of IT Act, 2000 and Section 4 of TNPWH Act, 2002, in Crime No.7 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 25.05.2016 at about 11.00 a.m., when the de facto complainant went for natural call, A.1 forcibly kidnapped her and took her to nearby maize plantation and raped her and the same was shot by A.2. Thereafter, A.2 threatened the de facto complainant for sexual intercourse with him and she refused for the same. A.2 forwarded the pictures to A.3, who is the husband of the Panchayat President of Vagaikulam Village and he circulated the photographs in the Village. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The de facto complainant with consent had sexual relationship with A.1 and the petitioner took photographs and showed to A.3, who is the husband of the Panchayat President and the petitioner showed the photographs only to stop her immoral activities. The petitioner is in judicial custody from 31.05.2016.



4.The learned Government Advocate(Crl.side) submitted that the petitioner forwarded photographs showing the sexual intercourse between A.1 and de facto complainant, to A.3 and investigation is pending. The earlier petition for bail in Crl.O.P(MD)No.9807 of 2016 filed by the petitioner was already dismissed by this Court vide order dated 22.06.2016 and there is no change of circumstance.

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5.Considering the facts and circumstances of the case and also considering the serious nature of allegation levelled against the petitioner and investigation is pending and there is no change of circumstance, this Court is not inclined to enlarge the petitioner on bail and accordingly this petition is dismissed.

sd/-

15/07/2016

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

TO

- 1 THE OFFICER INCHARGE, SUB JAIL, SANKARANKOIL
- 2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SANKARANKOIL,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S JEEN FELIX Advocate SR.No.37000

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ORDER

IN

CRL OP(MD) No.11722 of 2016

Date :15/07/2016