



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

Tuesday, the Twentieth day of December Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23131 of 2016

M.DINESH,

...PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
IN CR.NO.584 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

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

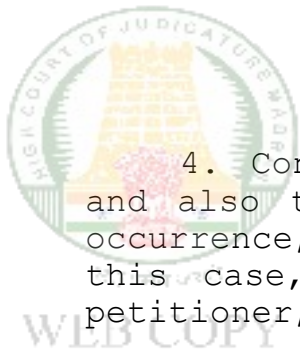
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.10.2016, for the offences punishable under Sections 147, 406, 506(ii), 342 and 376 of IPC., in Cr.No.584 of 2016, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner states that there are four accused in this case and the petitioner is arrayed as A2. The defacto complainant is aged about 19 years. He also submitted that A1 and the defacto complainant are lovers and A1 took her at Kerala and stayed in Varghese Lodge at Kishnankoil. He would further submit that the victim is a consent party for the commission of the offence, but in the confession statement given by the victim girl is otherwise. The petitioner is only a friend of A1 and he has been falsely implicated in this case.

3. The learned Government Advocate (crl.side) representing for the respondent states that there are totally four accused in this case and all the four accused were arrested and in custody and the petitioner is A2. It is a gang rape committed by all the accused against the consent of the victim girly, who is aged about 19 years. He has also produced the statement under Section 164 of Cr.P.C., recorded by the learned Judicial Magistrate from the victim girl, for perusal. He would further submit that the proceedings under the Goondas Act is pending before the District Collector.



4. Considering the above facts and circumstances of the case and also the alleged overt act against the petitioner during the occurrence, as per the confession statement of the victim girl in this case, this Court is not inclined to grant bail to the petitioner, at this stage. Hence, this petition is dismissed.

sd/-

20/12/2016

/ TRUE COPY /

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

TO

- 1 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.

ORDER

IN

CRL OP(MD) No.23131 of 2016

Date :20/12/2016

AM/CK/SAR-1/20.12.2016/2P/4C