



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14303 of 2017

VELU @ RATHNAVELU

... PETITIONER/ACCUSED No.4

Vs

STATE REP. THROUGH,
THE SUB INSPECTOR OF POLICE
PALANI POLICE STATION (TALUK),
DINDIGUL DISTRICT.
(CRIME NO.891/1997),
U/S.376,302,201 AND 34 OF IPC

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.ELANGOVAN Advocate

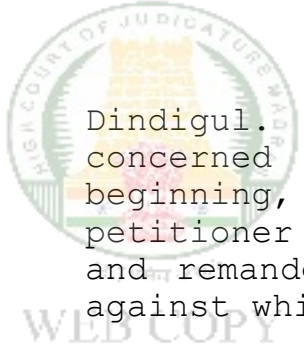
For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner/accused No.4, who was arrested and remanded to judicial custody on 19.09.2017, for the alleged offences punishable under Sections 376, 302, 201 and 34 of IPC., in Crime No.891 of 1997, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are four accused in this case. On 11.07.1997, A1 called the victim woman, one Saraswathi to one Thottathu Salai near Varattaru and had sexual intercourse with her and at about 11.00 p.m., A1 compelled her to have sexual intercourse with A2 to A4, but she resisted, due to which they have forcibly had intercourse with her. Subsequently, being afraid that she may disclose the matter, they killed her and excavated a ditch at one Rajaram Thottam and laid the body and refilled the trench. After investigation, charge sheet was filed on 30.10.1998 and the case was taken on file in PRC.No.43 of 2001, on the file of the learned Judicial Magistrate, Palani and since the petitioner/A4 did not co-operate with the trial, the case was split up in respect of the petitioner and PRC.No.32 of 2015 was assigned against him. The cases were committed to the Sessions Court and numbered in S.C.No.48 of 2013 against A1, on the file of the Mahila Fast Track Court, Dindigul and in S.C.No.147 of 2001 against A2 and A3, on the file of the Additional District and Sessions Court,



Dindigul. Subsequently, A1, A2 and A3 were acquitted by the concerned Courts. Since the petitioner was absconding from the beginning, the Court below issued non-bailable warrant against the petitioner on 08.04.2004. Thereafter, the petitioner was arrested and remanded to judicial custody on 19.09.2017 after three years, against which the present bail application has been filed.

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. He further submitted that the petitioner is the resident of Tiruvannamalai and since the petitioner and his father temporarily residing in Palani, he was falsely implicated in this crime, and the petitioner was not informed about the progress of the criminal case pending against him.

4. Heard the learned Government Advocate (Crl. Side) appearing for the State submitted that there are totally four accused in this case and all of them were arrested and remanded to judicial custody except this petitioner and due to his non-cooperation, the case was split up and trial was conducted against the other accused persons and they were acquitted. If the petitioner is released on bail, he will again abscond and he will not co-operate with the trial and hence, he vehemently objected to grant bail to the petitioner.

5. Considering the submission made by the learned Government Advocate (Crl. Side) appearing for the State and considering the gravity of the offence levelled against the petitioner, at this stage, the question of granting bail does not arise. Hence, I am not inclined to grant bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

sd/-
25/10/2017

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

TO

- 1 THE SUB INSPECTOR OF POLICE
PALANI POLICE STATION (TALUK), DINDIGUL DISTRICT
- 2 THE OFFICER INCHARGE
DINDIGUL PRISON, DINDIGUL
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN
CRL OP(MD) No.14303 of 2017
Date :25/10/2017