



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

Monday, the Twenty Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.19263 of 2018

LATHA @ AJI

... PETITIONER / 2nd ACCUSED

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
ERANIEL, KANYAKUMAI DISTRICT.
CRIME NO.453 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.BALAMURUGAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 292(A), 376, 379, 506(i) I.P.C r/w Section 34 I.P.C and r/w Section 21 of Information Technology Act, 2000, in Crime No.453 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the first and second accused are close relatives. The second accused house is situated nearer to the defacto complainant's house. The mother of the defacto complainant taking treatment for skin disease for the past five years. Whenever, the mother of the defacto complainant admitted in the hospital, the defacto complainant used to stay in the house of the petitioner. While so, during August 2017, the defacto complaint was alone at her residence, since her mother went to hospital for skin treatment. At that time, the first accused was also there and taking each other, during which, the second accused given a cool drink laced with sedatives to the defacto complainant. After drinking, the defacto complainant lost her consciousness. Thereafter, the first accused raped her. Further, the first accused took the photographs along with the defacto complainant and uploaded in the Whatsapp and stopped her marriage. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is nothing to do with the crime. The first accused only committed an offence. The petitioner is arraigned as an second accused and she did not commit any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5.It is seen that the allegations are very serious in nature. As far as the petitioner is concerned, she only gave a cool drink laced with sedatives to the defacto complainant. After consuming the cool drink, she fell unconsciousness and thereafter, the first accused committed the rape. Therefore, considering the role played by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/10/2018

/ TRUE COPY /

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

TO

1 THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
ERANIEL, KANYAKUMAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No. 20586

ORDER
IN
CRL OP(MD) No.19263 of 2018
Date :29/10/2018

JM/RR/SAR 2/14.11.2018/2P/4C