



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

Thursday, the Twenty Sixth day of July Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) Nos.11436 and 12096 of 2018

1.K.MATHANKUMAR
2.M.PALANISELVAM
3.T.PRATHAP

... PETITIONERS/ ACCUSED No.2,3,5
in CRL OP(MD) No.11436 of 2018

SATHISHKUMAR

..PETITIONER/PETITIONER/ACCUSED NO.4
in CRL OP(MD) No.12096 of 2018

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
(CRIME NO.6/2018)

... RESPONDENT / COMPLAINANT
in CRL OP(MD) No.11436 of 2018

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
(CRIME NO.6/2018)

....RESPONDENT/RESPONDENT/COMPLAINANT
in CRL OP(MD) No.12096 of 2018

For Petitioners : Mr.A.RAMALINGAM Advocate.
in CRL OP(MD) No.11436 of 2018

For Petitioner : Mr.S.SATHYA CHIDAMBARAM, Advocate.
in CRL OP(MD) No.12096 of 2018

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt.Advocate (Crl.Side) (in Both Petition)

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody from 06.06.2018 for the offences punishable under Sections 366 I.P.C. and Section 5(g) of POCSO Act, in Crime No.6 of 2018, on the file of the respondent police. They seek bail.



2.The specific case of the defacto complainant is that she was induced by the first accused Ramakrishnan to accompany her to a lonely spot on 25.05.2018 at about 7.30 p.m., when the occurrence in question took place. The defacto complainant is a minor girl aged about 16 years. She belongs to a Scheduled Caste community. There are totally 6 accused in this case. Following a specific direction from this Court, the principal accused Ramakrishnan has also been arrested yesterday. Thus all the accused are now in custody.

3.This is a case of gang rape of the minor girl who belongs to Scheduled Caste community. Therefore, this Court is of the view that if the bail is granted to the petitioners, certainly the life of the victim would be in grave danger.

4.The Inspector of Police (I/c), All Women Police Station, Ramanathapuram is present before this Court and she states it is possible to file the charge sheet on or before 31.08.2018. Accordingly, a direction is given to the respondent police to file a final report before 31.08.2018. Since the final report is to be filed before the Mahila Court, the question of committal proceedings does not arise.

5.The learned Judge, Mahila Court concerned is directed to take the final report on file without any delay and conclude the entire trial within a period of three months thereafter.

6.Offences against women and children are to be viewed very seriously. In this case, the minor girl has given statement under Section 164 of Cr.P.C before the Judicial Magistrate concerned that she was subjected to a very vicious and perverse form of rape. Therefore, this Court is of the view that the petitioners do not deserve grant of bail pending trial.

7.These criminal original petitions stand dismissed with the above directions.

sd/-
26/07/2018

/ TRUE COPY /

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

TO

1.THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM.

2.THE OFFICER INCHARGE
SUB PRISON, RAMANATHAPURAM.



3. THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.

4. THE INSEPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP (MD) Nos. 11436 and
12096 of 2018

Date : 26/07/2018

RAM/JC/SAR 4/07.08.2018/3P/6C