



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

Thursday, the Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21369 of 2018

S. KARTHIK

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY.
THE INSPECTOR OF POLICE,
KUMBAKONAM ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO. 11 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.SENTHIL KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate

(Crl. Side)

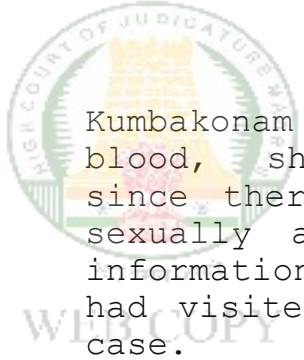
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

[Orders Reserved on 20.12.2018]

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 366 and 376 of IPC., in Crime No.11 of 2018, seek anticipatory bail.

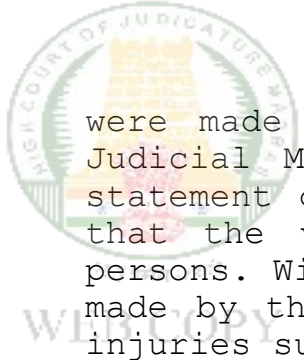
2. The case of the prosecution is that the defacto complainant was working as a sales girl in Meera Silks at Thirubuvanam, Thiruvidaimaruthur, Thanjavur District along with one Chinnappan for the past two years. On 07.11.2018 the said Chinnappan invited the victim to his house with the permission of her mother. There he had given some cool drinks mixed with sedative. After consuming the cool drinks the victim lost her sense but she heard the sound of said Chinnappan , owner karthick and one Sheik Mydeen and she could not unable to realize what had happened. After two hours she had severe pain in her lower abdomen and unable to bear the pain she cried. Thereafter the said Chinappan dropped her in her house. When she went for natural call she found there was flow of blood. Prior to ten days only she had menstruation and she thought that it was due to the same. On 07.11.2018 at about 10.00 p.m when she completely recovered from sedative, her mother questioned about the happening and she explained what had happened to her mother in Chinnappan's house. Thereafter she was taken to KRG hospital at



Kumbakonam and there doctors diagnosed for un-control flow of blood, she was anaemic and sutures was put on her private part, since there was ruptures. Thereafter it was found that she was sexually assaulted by Chinnappan, Karthick , Sheik Mydeen. On information from KRG hospital on 08.11.2018 the respondent police had visited the hospital, examined the victim and registered the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of Meera Silks at Thirubuvanam,, Thiruvidadaimaruthur , Thanjavur District and the victim was working as a sales girl for the past two years. On 09.11.2018 one Chinnappan was arrested and remanded to judicial custody. Thereafter after 15 days, the respondent police with the ulterior motive implicated this petitioner by way of recording further statement of the victim. He would submit that after hearing the incident the petitioner herein immediately visited the hospital where the victim was taking treatment and provided necessary help. Video recording of the victim girl was also produced. Thereafter the petitioner took step to lodge a complaint. Based on the efforts taken by the petitioner, the respondent police obtained statement from the victim girl and the case was registered. He would also submit that public meeting was also held for speedy investigation. He would submit that some people in the locality who were in the same business due to business rivalry, instigated the social worker one Tamil Selvi and Kizhi Rajendran @ Rajendran and implicated the petitioner in this case by making false propaganda speech and exerted pressure on the respondent police. On 07.11.2018 the petitioner was very much available in the shop from 10.40a.m to 02.15p.m and 02.15 p.m to 02.45 p.m which could be verified from his cell phone location and also from the owner of the building namely S.N.Krishnamoorthy. Further the petitioner also went to the police station along with the victim family members to lodge a complaint which can be verified from the police station CCTV cameras. The so called social worker Tamil Selvi and Kizhi Rajendran @ Rajendran have demanded Rs.5,00,000/- for not taking steps against the petitioner, but the petitioner refused to fulfil their illegal demand and hence they arranged some local rowdies and also damaged the house and shop of the petitioner. He would submit that the petitioner had appeared before the respondent for enquiry and gave his explanation. Now the so called social workers by making false allegations against the petitioner, are pressurising respondent police to arrest the petitioner. Hence he seeks anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent, on instructions, would submit that it is case of rape which is serious in nature wherein the petitioner along with the other accused had committed sexual assault on the victim. The victim girl has categorically stated that she heard the voice of the three persons namely Chinnappan, Karthick, Sheik Mydeen and thereafter she was taken to hospital immediately. In the hospital the doctors have found that she sustained injuries in her private parts and sutures



were made due to rupture. He would also submit that the learned Judicial Magistrate No.I, Kumbakonam has recorded the 164 Cr.P.C statement of the victim girl, wherein she has categorically stated that the victim girl was raped by the petitioner and by other persons. Witnesses so far examined has also confirmed the statement made by the victim girl and further medical evidence confirms the injuries sustained by the defacto complainant on her private part of the body and victim has clearly spoken about the occurrence. He would also submit that the investigation is at the crucial stage and the petitioner has to be sent for medical examination and custodial interrogation of the petitioner is very much essential, the offence is very serious in nature and hence he vehemently opposed for grant of bail to the petitioner.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the rival submissions made on either side and on perusal of the material produced, it is found, *prima facie* materials are against the petitioner and the investigation is at the crucial stage and the offences are heinous crime and this Court is not inclined to grant anticipatory bail to the petitioner. Hence this Criminal Original Petition stands dismissed.

sd/-

03/01/2019

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

TO

- 1 THE INSPECTOR OF POLICE
KUMBAKONAM ALL WOMEN POLICE STATION, THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.T.SENTHIL KUMAR Advocate SR.No.61

PS/JC/SAR-3/07.01.2019/3P/4C

ORDER

IN

CRL OP(MD) No.21369 of 2018

Date :03/01/2019