



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

Date : 04/11/2020

PRESENT

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

CRL OP(MD). No.12377 of 2020

Chinnadurai @ Vino Chakravarthy ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
CBCID, Pudukkottai District.
Crime No.244 of 2003

... Respondent/Complainant

For Petitioner : Mr.S.Muthalraj,
Advocate.

For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 244 of 2003 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 09.08.2020 for the offence punishable under Section 376 of I.P.C., in Crime No.244 of 2003, on the file of the respondent police seeks bail.

2.The case of the prosecution is that in the year 2003, the accused have committed rap on the victim girl aged about 5 years. Thereafter, he absconded and as such, only on the direction issued by this Court, the investigation has been transferred from the file of the Inspector of Police, Manamelkudi Police Station, Pudukkottai District, to the file of the respondent herein. Thereafter, the respondent completed the investigation and also filed absconding charge sheet. After a period of 17 years, now only the petitioner was secured on 09.08.2020.

3.The learned counsel for the petitioner would submit that in the year 2003, a false case has been foisted as against the



petitioner. As such, the petitioner never abscond in the hands of the respondent herein. He settled at Bangalur for the purpose of his employment and when he was visiting his native place, he was arrested and remanded to judicial custody.

4.The learned Government Advocate(Crl.Side) would submit that in the year 2003, the accused have committed rap on the victim girl aged about 5 years. Thereafter, he absconded and as such, only on the direction issued by this Court, the investigation has been transferred from the file of the Inspector of Police, Manamelkudi Police Station, Pudukkottai District to the file of the respondent herein. Thereafter,, the respondent completed the investigation and also filed the absconding charge sheet. After a period of 17 years, now only, the petitioner was secured on 09.08.2020.

5.it is seen that the petitioner is the sole accused. In the year 2003, he committed the offence of rap on the victim girl aged about 5 years. Thereafter, he was absconded and as such the Inspector of Police, Manamelkudi Police Station, Pudukkottai District could not able to complete the investigation. Only on the intervention of this Court, the investigation transferred to the respondent herein. Now, the respondent completed the investigation and filed absconding charge sheet. After a period of 7 years, the petitioner now secured and remanded to the judicial custody. If the petitioner is let out on bail, the entire trial will be stalled. Now, it is the under the stage of committal in PRC.No.1 of 2018 on the file of the learned Judicial Magistrate, Pudukkottai.

6.Considering the above facts and circumstances, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed. However, the learned Judicial Magistrate is directed to complete the committal proceedings within a period of six weeks from the date of receipt of a copy of this order.

sd/-
04/11/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

1. THE JUDICIAL MAGISTRATE No. II,
PUDUKKOTTAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.

4. THE INSPECTOR OF POLICE,
CBCID, PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s. NA. PALANIYANDI, Advocate (SR-7314[I] dated 05/11/2020)

ORDER

IN

CRL OP(MD) No.12377 of 2020

Date : 04/11/2020

DSS

TK/PN/SAR.2/11.11.2020/3P/8C