



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.15514 of 2020

Tamizhalagan

... Petitioner/Accused Rank-1

Vs

The State Rep. by
The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
Crime No. 333/2020.

... Respondent

For Petitioner : M/s.Seemaraj.K, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

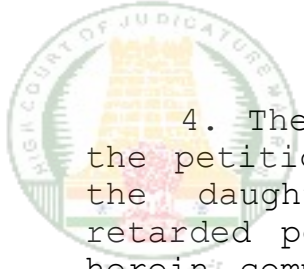
For bail in Crime No. 333 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 21.10.2020 for the offences punishable under Sections 294(b), 354, 506(ii) of IPC @ 294(b), 376, 448 r/w. 511 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 14.10.2020 the petitioner trespassed into the house of the defacto complainant's wife and wrongfully confined her and also attempted to commit rape on her. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to property dispute between the father and son and in order to grab money from the petitioner a false case has been foisted against the petitioner. He further submitted that the petitioner is aged about 55 years and he was arrested and remanded to judicial custody on 21.10.2020 and investigation is almost completed. Hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is the sole accused. The victim is none other than the daughter- in-law of the petitioner herein and she is mentally retarded person. Utilizing the said circumstances the petitioner herein committed sexual assault on the victim girl when his son went out of station. In fact his own wife and grand son are the eye witness to the said occurrence and made the statement implicating the petitioner herein. Therefore being the father-in-law the petitioner had committed a serious offence as against his own daughter -in -law who is a mentally retarded person,hence he opposed to grant bail to the petitioner.

5. It is seen that the petitioner is a sole accused and he being the father-in-law of the victim when his son went out of station he committed sexual assault on the victim, who is a mentally retarded person. It is also curious to note that the grand son and wife of the petitioner are the eye witness to the said occurrence and they made statement as against him, hence this Court is not inclined to grant bail to the petitioner.

6.In the result, the petition stands dismissed.

sd/-
23/12/2020

/ TRUE COPY /

/ /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 SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
2. THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.15514 of 2020
Date :23/12/2020