

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2220 of 2021

Sakthivel (Kozhi @ Sakthi)

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Vellore North Police Station,
Vellore Dt.

(Crime No.39 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.39 of 2020 on the file of respondent police.

For Petitioner : Mr.S.A.Palaninathan

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are four accused and the petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 19.01.2020 for the offence punishable under Section 394, 397, 376(D), 506(ii), 368, 392 and 109 of I.P.C. in Crime No.39 of 2020, seeks bail.

2. The case of the prosecution is that there was a gang rape. The petitioner along with other accused said to have trespassed the defacto complainant, who was a lady, attacked her, stolen gold jewels and also raped her. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 19.01.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is in jail for more than one year. He would submit that earlier, the petitioner was detained under Act 14 of 1984 and one year detention period is also over. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently opposed this petition on the ground that it is a case of gang rape of an innocent lady, and also stolen gold jewels. She would also submit that the petitioner is an habitual offender and having involved in other criminal cases, which are similar in nature. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, it is case of gang rape of an innocent lady, stolen gold jewels and the petitioner is an habitual offender, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
19/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAGALIR NEEDHI MANDRAM,
(FAST TRACK MAHILA COURT), VELLORE.

2 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.S.SILAMBUSELVAN Advocate on payment of necessary charges

CRL OP.2220/2021

Date :19/02/2021

TA-04/03/2021