



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17668 of 2021

NIKAS ALI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UDUMALAIPETTAI POLICE STATION.
CRIME NO. 1/2021.

[RESPONDENT]

For Petitioner : M/S.B.MOHAN Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was apprehends arrest for the alleged offence under Section 376(2)(f), 376(2)(n), 109, 509, 506(i) of IPC in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A-1/Nihas Ali is the husband of the defacto complainant's aunt and he(A-1) continuously raped the defacto complainant and taken photographs and video of the defacto complainant when she was unconscious. Taking advantage of this, A-1 threatened the defacto complainant and on compulsion, he had sexual intercourse with her and also received money on various occasions. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent persons and there was a family dispute between the defacto complainant and her husband. Due to which, she lodged a false complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) submits that earlier the petitioner filed two anticipatory bail application before this Court in Crl.O.P.No.3153 and 8921 of 2021 and the same were dismissed by this Court on the ground that there was serious allegation made against the petitioner by the victim. The statement of the victim has also been recorded under Section 164(5) Cr.P.C. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the gravity of offence committed by the petitioner and the earlier two anticipatory bail petition was dismissed by this Court and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

-sd/-

24/09/2021

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UDUMALAIPETTAI POLICE STATION.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.17668/2021

Date :24/09/2021

APN 07/10/2021