



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19529 of 2021

LOGESWARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE DEPUTY COMMISSIONER OF POLICE
(CRIME AGAINST WOMEN AND CHILDREN),
DEPUTY COMMISSIONER OF BUILDING,
GREAMS ROAD, THOUSAND LIGHTS,
CHENNAI-600 006.

[RESPONDENT]

NOW TRANSFERRED FROM:-

THE INSPECTOR OF POLICE,
W35, ALL WOMEN POLICE STATION,
TAMBARAM,
CHENNAI.
CRIME NO.5 OF 2021

For Petitioner : M/S.S.ARUMUGAM Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 27.09.2021 and remanded to judicial custody for the offences punishable under Section 376 and 506(ii) of I.P.C in Crime No.5 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the brother-in-law of the defacto complainant. On 03.03.2021 at about 12.00 noon, when the defacto complainant's sister and her mother were not at home, the petitioner had forcibly raped the defacto complainant at knife point, despite the protest made by her and thereafter, the petitioner has threatened her not to tell the incident to any one.



Initially, the defacto complainant has lodged a complaint before W35, All Women Police Station, Tambaram, Chennai in Crime No.5 of 2021. Subsequently, the case was transferred to the Deputy Commissioner of Police (Crime against Women and Children), Greams Road, Thousand Lights, Chennai for further investigation. On an earlier occasion, the petitioner has filed a bail petition before this Court in Crl.OP.No.8240 of 2021 and this Court granted bail to the petitioner. Thereafter, without intimating the same, the case was transferred to the Commissioner of Police (Crime against Women and Children), Greams Road, Thousand Lights, Chennai. Further, it is alleged that the petitioner has threatened the defacto complainant through unknown phone numbers and compelled her to withdraw the complaint and on the above said two grounds, the petitioner has filed a petition before this Court under Section 439(2) in Crl.OP.No.13157 of 2021 to cancel the bail granted in Crl.OP.No.8240 of 2021 dated 12.05.2021. After hearing the both parties, the bail granted to the petitioner in Crl.OP.No.8240 of 2021 dated 13.09.2021 was cancelled . Hence, the present bail petition has been filed.

3. The learned counsel for the petitioner submits that it is true that on an earlier occasion, the petitioner filed a bail petition before this Court in Crl.OP.No.8240 of 2021 and subsequently, the defacto complainant filed a petition for cancellation of bail before this Court in Crl.OP.No. 13157 of 2021. Though notice was ordered, the petitioner has not received notice . Further, the petitioner's name was not printed in the cause-list and there was no representation on behalf of the petitioner and without hearing the petitioner, the bail was cancelled. Further, it is purely a family dispute between the petitioner and the defacto complainant.

4. The learned Government Advocate (Crl.Side) submits that initially, the defacto complainant has lodged a complaint before W35, All Women Police Station, Tambaram, Chennai in Crime No.5 of 2021. Subsequently, the case was transferred to the Deputy Commissioner of Police (Crime against Women and Children), Greams Road, Thousand Lights, Chennai for further investigation. The petitioner has filed a bail petition before this Court in Crl.OP.No.8240 of 2021. and this Court granted bail to the petitioner. Thereafter, without intimating the same, the case was transferred to the Commissioner of Police (Crime against Women and Children), Greams Road, Thousand Lights, Chennai.

5. Considering the relationship between the petitioner and the defacto complainant and the fact that when the defacto complainant's sister and her mother were not at home, the petitioner had forcibly raped the defacto complainant at knife point, despite the protest made by her and thereafter, the petitioner has threatened her not to tell the incident to any one and also threatened the defacto complainant through unknown phone numbers and compelled her to withdraw the complaint and subsequently, the bail granted to the petitioner was



cancelled, this court is of the view that there is no change of circumstances to grant bail. Considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
20/10/2021

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 DEPUTY COMMISSIONER OF POLICE
(CRIME AGAINST WOMEN AND CHILDREN),
DEPUTY COMMISSIONER OF BUILDING,
GREAMS ROAD, THOUSAND LIGHTS,
CHENNAI-600 006.

2 THE INSPECTOR OF POLICE,
W35, ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ARUMUGAM Advocate on payment of necessary charges
SR.NO.11482

CRL OP.19529/2021

Date :20/10/2021

JPA 01/11/2021