

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.21134 of 2020

Magi @ Mahendran

... Petitioner/2nd Accused

-Vs-

State of Ramilnadu rep. by its
The Inspector of Police,
All Woman Police Station,
Tindivanam, Villupuram.
(Crime No.15 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the petitioner/accused in the event of his arrest in Crime No.15 of 2020, on the file of the respondent police pending investigation.

For Petitioner : Mr.K.Purushothaman

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner has filed this petition under Section 438 of Cr.P.C. seeking to enlarge the petitioner on bail in the event of his arrest under Sections 354 of IPC r/w 4 of Tamil Nadu Prohibition Women Harassment Act 2002, in Crime No.15 of 2020 on the file of the respondent police.

2. There are totally two accused, the petitioner is arrayed as A2. The case of the prosecution is that on 11.11.2020, at about 1.00 p.m., the petitioner along with another accused took the victim girl at request of the defacto complainant to drop her daughter near EB office. However, with a malafide intention to commit sexual offence on her, the petitioner had not dropped her at the place where her mother requested, but they dragged her to a secluded place and tried to commit sexual assault, as the victim girl shouted, people nearby came there and rescued the victim girl and on seeing the public, the petitioner ran away. The victim is a

3.The learned Additional Public Prosecutor would submit that the Court below had dismissed the bail application filed by the petitioner. Considering the gravity of the offence and as regards A1, he was arrested and released on bail.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5.Considering the facts and submissions and taking advantage of the fact that the victim girl who is dumb, the petitioner along with other accused with a malafide intention to commit sexual offence, the petitioner had taken her to a secluded place. However, she was rescued at the instance of the public. Since the petitioner had misrepresented and made to believe the defacto complainant who requested him to drop her daughter at the place where she sought for, the petitioner had indulged in committing the offence. Therefore, considering the above circumstances and the nature of offence, this Court is not inclined to entertain the application.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/01/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TINDIVANAM, VILLUPURAM.

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

CRL OP.21134/2020

Date :08/01/2021

MK:01/02/2021