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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3059 of 2021

Muthuraja

... Petitioner/2nd Accused

Vs

The State Rep. by
The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
Crime No. 1 of 2021

... Respondent/Complainant

For Petitioner : Mr.Poornachandran.S.,
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. 1 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 03.01.2021, for the offence under Sections 174 of Cr.P.C @ 376 and 306 of IPC on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner along with A1 said to have entered into the house of the deceased and forcibly raped the deceased. Thereafter, the deceased said to have committed suicide by hanging herself and also written suicide note. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. On the date of



occurrence, the petitioner has not accompanied with A1. He would also submit that this is the second bail petition and the earlier petition was dismissed by this court on 05.02.2021. He would also submit that the petitioner is in jail from 03.01.2021, hence he may be granted bail.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that this is the second bail petition and the earlier petition was dismissed by this Court on 05.02.2021 and there is no change in circumstances of the case to consider the present bail petition. He would also submit that the petitioner along with A1 said to have committed rape on the deceased. He further submitted that in the suicide note, the deceased had clearly stated the act of all the accused persons with their names. Further the petitioner along with A1 said to have committed very serious offence. Hence, he opposed this bail application.

6. From the perusal of the dying declaration it is seen that the victim was in love with one Chellapandi. On the date of occurrence the petitioner and A1 entered into house of the victim at late hours and thereafter A1 had shown some photos and videos recorded in the mobile phone where the victim and the said Chellapandi were in compromising position. Hence he has forced the victim to have sexual relationship and thereafter the petitioner had turned around and followed the same, which can be seen through the dying declaration of the deceased.

7. Taking into consideration all the above facts and also considering the fact that the petitioner was said to have committed very serious offence and taking note of the fact there is no change in facts of the case to consider the present bail petition, this Court is not inclined to grant bail to the petitioner.

8. In the result, the petition stands dismissed.

sd/-
26/02/2021

/ TRUE COPY /

/ /2021
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, MADURAI.
2. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.3059 of 2021
Date :26/02/2021

AAV
TE/SMA/SAR-I : 03/03/2021 : 3P/4C