



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9267 of 2021

Muruganandam

... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Chinnadharapuram Police Station,
Karur District.
Crime No.228/2021.

... Respondent/Complainant

Subramanian

... Petitioner/ Intervener/
Defacto Complainant

IN CRL MP(MD)No.4926 of 2021
IN CRL OP(MD)No.9267 of 2021

For Petitioner : Mr.S.Gokulraj, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For Intervener : Mr.M.Seenisulthan, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.228 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 13.06.2021 for the offences punishable under Sections 294(b), 323,506(i)of IPC r/w.Section 4 of TNPHW Act in Crime No.228 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the First Information Report is that the defacto complainant's daughter is the victim in this case aged about 36 years, she is a mentally retarded person. She used to go to the shop of one Deepa for stitching buttons. On 12.06.2021 at about 16.30 hrs when she was in the shop the accused came there and gave jacket for stitching to Deepa. After receiving the jacket Deepa had gone for taking bath. At that time the accused scolded the victim in filthy language and said to have pulled her hand, beat her on her chin and threatened her not to come for job.

<https://hcservices.courts.tn.in/hcservices/>



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.06.2021, hence he seeks bail.

4. The learned counsel for the intervenor would submit that the police in connivance with the accused had registered the First Information Report on the basis of the wrong complaint. Infact the defacto complainant gave complaint to the police narrating the entire sequence of events that had happened on the date of incident. During the course of incident the accused had sexually assaulted her daughter. However the First Information Report was not registered on the basis of the complaint given by the defacto complainant. It is case of rape, hence he seeks dismissal of the petition.

5. The learned Government Advocate(Crl.Side) opposed this petition on the ground that the case was originally registered for the offences under Sections 294(b), 323, 506(i) of IPC r/w. Section 4 of TNPHW Act and now altered to Sections 294(b), 323, 506(ii) and 376 of IPC and Section 4 of TNPHW Act.

6. Medical examination of the victim is over. 164 Cr.P.C statement of the victim is recorded. Accused is not subjected to medical examination. The narration of the facts shows that originally the case was registered under Sections 294(b), 323, 506(i) of IPC r/w. Section 4 of TNPHW Act and now altered to Sections 294(b), 323, 506(ii) and 376 of IPC and Section 4 of TNPHW Act. 164 Cr.P.C statement of the victim is recorded.

7. Taking into consideration the serious allegations made against the mentally retarded women, and the fact that the investigation is not yet completed, this Court is not inclined to grant bail to the petitioner.

8. In the result, the petition stands dismissed.

sd/-
19/07/2021

/ 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, the responsibility of the advocate/litigant concerned.

<https://hcservices.e-courts.gov.in/hcservices>



TO

1 THE SUB INSPECTOR OF POLICE,
CHINNADHARAPURAM POLICE STATION,
KARUR DISTRICT.

2 THE OFFICER INCHARGE,
CENTRAL JAIL, TRICHY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.S.GOKULRAJ, Advocate (SR-4733[I] dated
20/07/2021)

ORDER

IN

CRL OP(MD) No.9267 of 2021

Date :19/07/2021

AAV

MS/JC/SAR-4/28.07.2021/3P.5C