



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.2405 of 2022

M.PRABU @ APPU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
C-7, AWPS, TINDIVANAM,
VILLUPURAM DISTRICT.
(CRIME NO.22 OF 2021)

[RESPONDENT]

For Petitioner : M/S.K.NAGARAJAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.12.2021 for the offence punishable under Sections 366, 342, 354A, 323 and 506(i) of IPC and 8, 5(1), 6, 17 of POSCO Act in Crime No.22 of 2021 pending on the file of the respondent police.

2. The case of the prosecution is that the accused kidnapped the victim girl who is aged about 17 years and wrongfully restrained along with 2nd accused that thereby the second accused of this case who looks like a Saint committed the offence of sexual penetration, against the willingness of the victim girl and also caused criminal intimidation. Thereafter, again 1st accused took the victim girl and wrongfully restrained the victim girl along with the 3rd accused. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the de facto complainant lodged a false complaint against the petitioner and the other accused. He further submits that the petitioners have not committed any such offence as alleged by the prosecution and they have falsely implicated in this case.



4. The learned Government Advocate (Crl.Side) submitted that the three accused were arrested. He further submits that this petitioner is arrayed as 1st accused, the minor victim girl was kidnapped in his auto to A2 and harassed by A2. He also submitted that the statement of the Victim girl under Section 164 of Cr.P.C was recorded. Hence, the learned Government Advocate vehemently opposed to grant bail to the petitioner.

5. A perusal of 164 Statement reveals that the petitioner who is an auto driver, kidnapped the victim and took her in the auto to A2 where A2 committed the offence of penetrative sexual assault against the victim and the accused is unknown person to the victim.

6. Considering the facts and circumstances of the case and also considering grievous nature of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the petition seeking bail is dismissed.

-sd/-
03/02/2022

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,
C-7, AWPS, TINDIVANAM,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
SUB JAIL, TINDIVANAM, VILLUPURAM.

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

CRL OP.2405/2022

Date :03/02/2022

TA-14/02/2022