



Crl.O.P.No.20673 of 2022

Crl.O.P.No.20673 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who is arrayed as A9 in S.C.No.20 of 2020 on the file of the learned Sessions Judge, Court of Sessions, Magalir Neethimandram (Mahila Court), Coimbatore, has filed this application seeking bail.

2. The learned counsel for the petitioner would submit that the petitioner has been charged for the offences punishable under Sections 120(b) read with Section 34 of IPC, 366(A), 370, 354(A), 354(B), 509, 376(D), 392, 509 and 506(ii) of IPC and Section 4 of the Prohibition of Women Harassment Act, 2002 and Sections 66(E) & 67 of Information Technology Act, 2002. He would also submit that the petitioner was arrested on 13.08.2021 and he has been in continuous incarceration for a longtime. He would further submit that on account of the delay in trial, the petitioner is entitled for grant of bail. Therefore, he prays for grant of bail to the petitioner.



WEB COPY

3. The respondent has filed detailed counter and the relevant paragraphs is extracted hereunder:-

"..

5.11. It is humbly submitted with respect to the averments in Para-13, that it is seriously objected and it is submitted that if the present petitioner/accused Arunkumar(A-9) is released on bail, definitely the victims will be subjected to severe pressure and mental trauma. They will be threatened and thus dissuaded from giving truthful evidence against these accused, thus making a mockery of justice.

It is also reported by the victims that they are followed by the relatives and friends of the accused and offered money/wealth, so as to influence them, to resile from their statements, to escape from the clutches of law and the victims had discreetly reported the same to the Investigation Officer.

The grounds stated in the bail application are not at all valid, legitimate, convincing and relevant for enlarging the petitioner on bail in this



WEB COPY



CrI.O.P.No.20673 of 2022

serious and grave case, and the bail application may be rejected, at the threshold, in the interest of justice.

It is respectfully submitted that, if the present petitioner/accused Arunkumar(A-9), a rapist is enlarged on bail, it would be highly unfair and unjust to the Victims, considering the gravity and nature of the facts and circumstances of this grave case and also the severity of the punishment. It is well established principle of law that while considering the bail application, the Court has to consider the gravity of offence. It is clear case that the petitioner was sharing common intention with other accused and had conspired and committed gang rape.

It is most respectfully submitted that in a catena of judgments, The Apex Court held that, the Court has not only to keep on view the rights of criminal/accused but also the rights of the victims, who suffers in the hands of the perpetrator of crime. The period of custody is a relevant factor but simultaneously the totality of circumstances also to be weighed. They are to be weighed in the scale of collective cry and desire. The societal



WEB COPY



Crl.O.P.No.20673 of 2022

concern has to be kept in view in juxtaposition of individual liberty. The social concern in the case at hand deserves to be given priority over lifting the restriction of the liberty of the accused.

..."

4. Mr.Srinivasan, learned Special Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A9 in this case and it is the case of gang rape involving several victims. He would also submit that the accused have joined as a gang and ravished several young girls and that the entire incidents have been video graphed by them and they have also uploaded the same in the Social Media. He would further submit that a similarly placed accused i.e, A8 had approached this Court in Crl.O.P.No.12934 of 2021, seeking bail and this Court while dismissing the application on 11.08.2021, had directed the trial Court to complete the trial within a period of six months from the date of commencing the trial and had also directed to conduct the trial on day-to-day basis. He would state that in this case, charges have been framed and the trial is likely to be commenced soon. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.20673 of 2022

WEB COPY

5. This Court, while dismissing the application in Crl.O.P.No.12934 of 2021, on 11.08.2021 had passed certain directions in para 50(xii), directing the trial Court to conduct the trial on day-to-day basis and complete the trial within a period of six months from the date of commencement of the trial.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the charges levelled against the accused, this Court is not inclined to grant bail to the petitioner. However, this Court is of the opinion that a direction may be issued to the trial Court to comply with the directions of this Court dated 11.08.2021 passed in Crl.O.P.No.12934 of 2021.

7. Accordingly, this Criminal Original Petition stands dismissed and the trial Court is directed to strictly comply with the directions of this Court dated 11.08.2021 passed in Crl.O.P.No.12934 of 2021.

08.09.2022

rgi

A.D.JAGADISH CHANDIRA, J.
rgi

Page 5 of 6



WEB COPY



Crl.O.P.No.20673 of 2022

Crl.O.P.No.20673 of 2022

08.09.2022