



Crl.O.P.No.26391 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody, for the offences punishable under Sections 147, 342, 368, 376(D), 395, 397, 376(2)(N), 377, 366, 354(A), 384, 386, 149, 109 of IPC in Crime No.127 of 2022, seeks bail.

2.The case of the prosecution as per the defacto complainant Dr.Joanna Pavithra Abraham is that on 17.03.2022, while she had returned back with her friend after seeing a movie, the auto driver had taken her to a secluded place, where he along with other friends had committed gang rape on her after assaulting her friend. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that other than being the friend of A1, he has nothing to do with the alleged offence. Hence, he prays for grant of bail to the petitioner.



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4.Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that it is a case of gang rape and when the Doctor was returning along with her friend in an auto rickshaw, she was taken to a secluded place by the auto driver and she was gang raped and her friend was assaulted indiscriminately by the accused. He would further submit that after the incident, the petitioner was arrested and the test identification parade had been conducted and the victim had identified the accused. He would submit that the investigation has been completed and the case has been taken up for trial in Spl.S.C.No.123 of 2022 on the Fast Track Mahila Court, Vellore. He would submit that there are 59 witnesses in this case and some of the accused are detained under Act 4. He would further submit that there is every possibility for the prosecution to complete the trial within a maximum period of six months from today. He would submit that the offence had been committed in a gruesome manner where a lady doctor had been gang raped by the accused after assaulting her friend. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order and deliver the judgment. It is made clear that the observations are made only for the purpose of disposing of the bail application and the trial Court shall not be carried away with any of the observations made in this petition.

01.11.2022

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