



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 03/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.1066 of 2022

WEB COPY

Raja @ Rabikraja

: Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.687 of 2021)

: Respondent/Complainant

For Petitioner : Mr.Thalai Mutharasu, Advocate for
Mr.N.Mohamed Ayyadurai, Advocate
For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.687 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested and remanded to judicial custody on 31/12/2021 for the offences punishable under sections 342, 354(A), (2), 376 and 511 IPC, in Crime No.687 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31/12/2021, when the wife of the petitioner was out of station, the petitioner tried to misbehave with the de-facto complainant, who is working as a servant maid in his house.

3.Heard both sides.

4.As per the complaint of the de-facto complainant, she was working as a servant maid in the house of the petitioner and on that particular date, when the wife of the petitioner was away from the house, he attempted to commit sexual assault and rape upon her. Pursuant to which, the above said case has been given.

5.The learned counsel appearing for the petitioner would submit that two days prior to the date of the alleged occurrence, the de-

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facto complainant was called for enquiry with regard to the missing of some jewels, she did not attend the duty. Only later on the alleged date of the occurrence, she attend the duty and only to escape from the above said enquiry of missing of the jewels, this false complaint has been given.

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6.The learned Government Advocate (Criminal side) would submit that during the course of 164 Cr.P.C statement, the entire events have been narrated by the de-facto complainant in a proper manner. So according to him, the narration of the events does not make her statement unbelievable.

7.No doubt that it is very serious allegation against this petitioner and he tried to misbehave with the servant maid. Absolutely, there is no reason or motive for the de-facto complainant to make such an allegation. So prima facie, I find no merit in the argument that has been advanced by the learned counsel appearing for the petitioner. But at the same time, the petitioner is in custody from 31/12/2021 and major portion of the investigation might have been over by this time, the medical examination report either of the petitioner or the de-facto complainant may not arise.

8.In view of the above facts and circumstances and also considering the duration of the custody of the petitioner, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

sd/-

03/02/2022

/ TRUE COPY /

04/02/2022

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 JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

ORDER

IN

CRL OP(MD) No.1066 of 2022

Date :03/02/2022

RS/JM/SAR.3(04.02.2022) 3P-6C