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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Reserved on : 12.04.2022

Delivered on : 19.04.2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.6203 of 2022**

Karthick @ Mouli Karthick ...Petitioner/Accused No.2

vs.

The State through  
The Inspector of Police,  
Anna Nagar Police Station,  
Madurai District.  
(Crime No.1950 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Jerin Mathew, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.

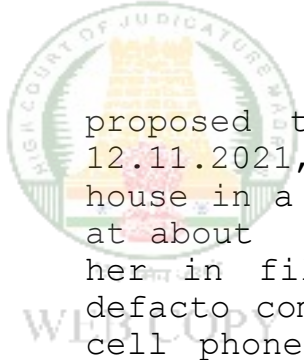
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

For Bail in P.R.C.No.17 of 2022 on the file of the learned  
Judicial Magistrate, Additional Mahila Court, Madurai.

**ORDER :** The Court made the following order :-

The petitioner/A.2, who is facing a case for the offences punishable under Sections 341, 342, 294(b), 323, 354, 307, 376D, 363 and 366 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, altered into Sections 341, 294(b), 376D, 366 and 506(2) IPC, in P.R.C.No.17 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, in Crime No.1950 of 2021, on the file of the respondent police, seeks bail.



proposed to marry her close relative one Gunasekaran, that on 12.11.2021, when the defacto complainant was returning back to her house in a two wheeler, after giving dinner to the said Gunasekaran, at about 09.30 p.m., both the accused intercepted her and abused her in filthy language and beaten up her with hands, that the defacto complainant immediately called the said Gunasekaran through cell phone, that the said Gunasekaran and his owner came to the spot, that the accused had pushed them down and placing knife on the neck of the defacto complainant forced her to sit in the middle of her two wheeler and had taken to a van, which was, parked near Anna Nagar Shenbaga Thottam Corporation Park, that after removing her dresses, the present petitioner had caught hold of her hands and the other accused by showing knife had committed rape on her and thereafter the petitioner had committed rape, that when the defacto complainant was shouting for the pain, the said Gunasekaran and his friends and the police came to the occurrence place and taken the accused and the defacto complainant to the police station and that on the basis of the complaint statement given by her, the FIR came to be registered.

3.The case of the petitioner is that the case of the prosecution is not true and it is a concocted story, that the petitioner had not committed any offence as alleged by the prosecution and that the respondent police has foisted the above case falsely implicating the petitioner for the reason best known to them.

4.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 13.11.2021 and is in judicial custody till now.

5.The learned Additional Public Prosecutor would submit that charge sheet has already been filed and the case was taken on file in P.R.C.No.17 of 2022 and the same is pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai. He would further submit that the petitioner and the other accused are friends and are notorious rowdies, that the first accused is involved in 18 previous cases including two murder cases, two murder attempt cases and two rape cases and that the second accused is involved in 7 previous cases and all the cases of the second accused were disposed of.

6.The learned Additional Public Prosecutor would further submit that both the accused had forcibly taken the defacto complainant and committed rape on her in the public place and that since the accused were possessed of deadly weapons, no one has chosen to intervene at the time of occurrence.

7.Considering the seriousness and gravity of the offence alleged against the petitioner and taking note of the bad antecedents of the petitioner and also taking note of the objections of the prosecution that the petitioner will abscond if he is



released on bail, this Court is not inclined to grant bail to the petitioner at this point of time.

8. In the result, this Criminal Original Petition is dismissed.

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Sd/-  
19/04/2022

/ TRUE COPY /

/ /2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CSM

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,  
ADDITIONAL MAHILA COURT, MADURAI.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
ANNA NAGAR 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.6203 of 2022  
Date :19/04/2022

SP/SVR/SAR I/26/04/2022/3P/6C

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