



Crl.O.P.Nos.2965 and 3059 of 2023

WEB COPY

Crl.O.P.Nos.2965 and 3059 of 2023

T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody for the alleged offence under Sections 366, 376(D), 323 and 506(i) of IPC r/w Section 4 of Women Harassment Act in Crime No.186 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant is that on 30.12.2022, A1 kidnapped the defacto complainant and taken her to the house of A2, where he along with other accused had committed gang rape on her and also threatened her. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent person and due to money dispute, a false complaint has been given against them. He further submitted that the petitioners have been suffering incarceration for more than 40 days and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.



Crl.O.P.Nos.2965 and 3059 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that on 30.12.2022, A1 kidnapped the defacto complainant and gang raped her with other accused and also threatened her. He further submitted that the statement under Section 164 of Cr.P.C has been recorded from the defacto complainant and the investigation is not yet completed and if the petitioners are granted bail at this stage, there is a possibility of tampering the evidence. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement under Section 164 Cr.P.C recorded from the defacto complainant.

6. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioners and custodial interrogation of the petitioners is essential, this Court is not inclined to grant bail to the petitioners.



WEB COPY



Crl.O.P.Nos.2965 and 3059 of 2023

7. Accordingly, these Criminal Original Petitions are dismissed.

vkf

15.02.2023



WEB COPY



Crl.O.P.Nos.2965 and 3059 of 2023

T.V.THAMILSELVI, J.

vkr

Crl.O.P.Nos.2965 and 3059 of 2023

15.02.2023