



Crl.O.P.No.13127 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who was arrested and remanded to judicial custody on 09.05.2023 in Crime No.8 of 2023 for the offences punishable under Sections 376, 511, 447 & 354A(1)(i) of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on 09.05.2023, when the *de facto* complainant's wife/victim, who is the native of Uttar Pradesh, was alone at her house, the accused had trespassed into the de-facto complainant's house, attempted to commit rape on her and outraged her modesty. Further, she has also sustained injuries. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner, aged about 23 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in no way connected with the alleged offence and he is in custody from 09.05.2023. He also submitted that the major part of the investigation is over and he further submitted that the petitioner is ready to abide by any stringent conditions that



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may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The respondent Police has filed a status report.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the de facto complainant is a native of Uttar Pradesh, who is now residing in Tiruppur District along with his wife/victim and working as a Labour in Vishaga Cement Seat Company. While so, on 09.05.2023, when the victim was alone at her home, the petitioner/accused trespassed into the victim's house, attempted to rape her and outraged her modesty and also assaulted her, due to which, she sustained grievous injuries. He further submitted that the respondent Police had obtained an expert opinion from the Department of Orthopaedics, Singanallur ESI Hospital, in which, the victim's condition was stated as "attempted rape with right elbow dislocation and treated with analgesics and antibiotics. Injuries are grievous in nature". He also submitted that the victim girl was treated as an inpatient and also discharged from the hospital on 17.05.2023, however, Final Medical opinion is yet to be obtained from the Government Hospital,



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Udumalpet. He also submitted that the major part of the investigation in this case is over and the charge sheet is yet to be filed and also submitted that the statement under Section 164 Cr.P.C has also been recorded from the victim. He also submitted that the petitioner is a native of Tiruppur, where the victim is presently residing, therefore, if bail is granted to the petitioner at this stage, there is every possibility of him threatening the witnesses and hampering the investigation, thereby, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the Statement recorded from the victim under Section 164 Cr.P.C.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking note of the gravity and the nature of the offence committed by the petitioner and also considering the statement recorded from the victim under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.



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8. Accordingly, this Criminal Original Petition stands dismissed.

**22.06.2023**

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