

**Crl.O.P.No.21481 of 2023****G.CHANDRASEKHARAN.J.,**

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The petitioners namely Dhamarikani and Sivakumar, who was arrested and remanded to judicial custody on 19.07.2023 for the offence under Sections 294(b), 323, 324, 448, 506(ii), 307 of IPC read with Section 4 of TNPWH Act in Crime No.405 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered in Crime No. 405 of 2023 for the offence under Sections 294(b), 323, 324, 448, 506(ii), 307 of IPC read with Section 4 of TNPWH Act. Petitioners are in Judicial Custody from 19.07.2023. Thus, he seeks bail to the petitioners.

3.In response, the learned Additional Public Prosecutor submitted that, deceased's husband died and therefore, she was living alone. Accused Sivakumar living in the house opposite to her house. After the death of the defacto complainant's husband, Sivakumar had given sexual torture to the defacto complainant. On 15.07.2023 at about 11.00.p.m., he tried to latch open the defacto complainant's house.



Immediately defacto complainant awoke and therefore, accused ran away.

In this connection, she gave a complaint before the respondent police.

Police enquired and warned Sivakumar. As a sequel, on 18.06.2023, when defacto complainant was in her house, accused had criminally trespassed into the house of the defacto complainant and threatened her as to how dare that she gave complaint against him. Accused Sivakumar and accused Dhamaraikanni had assaulted her.

4. Considered the rival submissions and perused the records. It is seen from the FIR and submission of the learned counsel appearing for the parties that, accused Sivakumar had given sex torture to the defacto complainant. Then both the accused had assaulted her using deadly weapons. Investigation in this case is not completed. Taking into consideration all these aspects, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original petition is dismissed.

21.09.2023

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