



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.1581 of 2023

WEB COPY

Suresh

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Puliyarai Police Station,
Tenakasi District
(Crime No.200 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent Police with respect to Cr.No.200 of 2022.

For Petitioner : Mr.T.Indrachithu, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 448, 294 (b), 323, 376, 506(i) IPC in Crime No.200 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that due to misunderstanding, she was separated from her husband and she was living alone and six months ago, she fell down and she had sustained injury on her left leg and she walked with the help of stick. While so, when she was praying in her house, somebody knocked the door and when she opened the door, the accused came inside the house and brutally committed rape on her by closing her mouth by cloth and when she raised alarm, neighbours rushed to the spot and and the accused had threatened her and had ran away from the house by scaling on the wall behind the house. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is aged 34 years and victim is 50 years old and a false complaint has been given. He prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.side) would submit that the petitioner had trespassed into the house of the defacto complainant, who was injured and he has committed rape by closing her mouth with cloth and when the neighbours rushed to the spot, the petitioner had ran away from the house by jumping on the wall behind the house and the statement has been recorded from the victim under Section 164 Cr.P.C wherein she has categorically stated about the acts committed by the petitioner. He would submit that medical evidence proved the case of the prosecution and custodial interrogation of the petitioner is required. He would also submit that the petitioner is a habitual offender and 2 previous cases are pending against him. He would strongly object for grant of anticipatory bail to the petitioner.

5. Heard and perused the materials available on record. Considering the gravity of offence and the bad antecedent of the petitioner and on perusing the statement recorded under Section 164 Cr.P.C, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
27/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

- 1 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TENKASI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1581 of 2023
Date :27/01/2023

VA/SBN/SAR-4/15.02.2023/2P/3C