



WEB COPY

CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5118 of 2023

1. Velmurugan,
2. Nagarajan @ Nagaraj,
3. Dhanapal,

... Petitioners/Accused 1 to 3

Vs

1.The State rep.by,
The Inspector of Police,
Aravakurichi Police Station,
Karur District.
(Crime No.80/2023).

... Respondent/Complainant

2.Selvaraj

...Intervene Petitioner/
Defacto Complainant
in CRL MP(MD)No.4828 of 2023

For Petitioners : M/s.Venkatesh D,
Advocate.

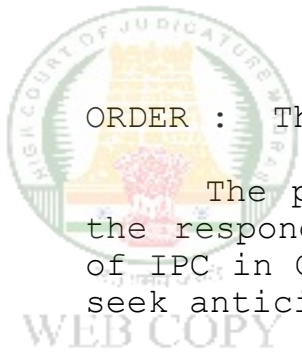
For Intervenor : M/s.K.Arunraj
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.80/2023 on the file of the
respondent police.



ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offence punishable under section 366 of IPC in Crime No. 80 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the second daughter of the defacto complainant is aged about 16 years and she is working in Rethinaswamy Spinning Mill, Kasipalayam. On 04.03.2023 at about 12.45 am., while she was returning home after her employment the accused kidnapped her in a four wheeler and tried to sexually assault her and also threatened her to marry one of the petitioner, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report and also the statement of the victim recorded under section 164 of Cr.P.C.

4. The learned counsel for the petitioners would submit that the petitioners are the close relatives of the defacto complainant and the victim had love affair with the first petitioner, thereafter she wanted to elope with him and eloped. Thereafter on the advice of the elders she was handed over to her parents and a false complaint has been filed as against the petitioners as they kidnapped the victim. He further submitted that only on compulsion the victim has made statement as against the petitioners, hence he seeks anticipatory bail.

5. A perusal of the statement recorded from the victim under section 164 of Cr.P.C reveals the fact that the victim is aged about 17 years and while she was returning home from her employment the petitioners herein have kidnapped her after closing her mouth by towel and also threatened her and compelled her to marry one of the petitioner. When she refused immediately they attempted to have penetrative sexual assault on the victim and thereafter her clothes were also torn. Therefore the petitioners have committed very serious offence against the minor victim girl hence this court is not inclined to grant anticipatory bail to the petitioners.

6. In the result, the petition stands dismissed.

sd/-
29/03/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD)



23

TO

1. THE INSPECTOR OF POLICE,
ARAVAKURICHI POLICE STATION,
KARUR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-5130[I] dated 30/03/2023)

ORDER

IN

CRL OP(MD) No.5118 of 2023

Date :29/03/2023

RK/BUC/SAR-3(03/04/2023) 3P/4C