



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/03/2023
PRESENT

WEB COPY

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

CRL OP(MD). Nos.5489 and 5520 of 2023

Navaraj

... Petitioner/Sole Accused
in Crl.O.P.(MD)No.5489 of 2023

... Petitioner/Accused 1
in Crl.O.P.(MD)No.5520 of 2023

Vs

The State rep.by
The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli District.
(Cr Nos.65 and 36/2023).

... Respondent/Complainant

In both petitions:-

For Petitioner : Mr.J.Parekh Kumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

COMMON PRAYER :- For Anticipatory Bail in Cr Nos.65 and 36 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/Sole Accused, in Crl.O.P.(MD)No.5489 of 2023, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 354A and 506(i) of I.P.C., in Crime No.65 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner/A1, in Crl.O.P.(MD)No.5520 of 2023, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C., in Crime No.36 of 2023 on the file of the respondent police, seeks anticipatory bail.



3.The case of the prosecution, in Crime No.65 of 2023, is that on 10.01.2023 at about 05.00 p.m., when the de-facto complainant was completed her works, the petitioner called her and molested her and further, he threatened her not to disclose the matter to others. Hence, she made a complaint to her superiors and on that basis, summon has been issued to the petitioner for attending enquiry on 18.02.2023. But the petitioner did not appear for enquiry and also threatened the de-facto complainant not to attend the enquiry. Hence, the case.

4.The case of the prosecution, in Crime No.36 of 2023, is that the petitioner had stolen the old tube lights and old irons which were kept in Dumping yard belonging to Thisayanvilai Town Panchayat. Hence, the case.

5.Heard. Perused the materials available on record including the First Information Report.

6.On perusal of the statement recorded from the victim, the petitioner had sexually tortured the victim on several occasions. According to the learned counsel for the petitioner, due to previous enmity, a false complaint has been foisted as against the petitioner. In fact, the first complaint lodged by the Chairman of Thisayanvilai Panchayat, as if, the old tube lights and old irons, which were kept in Dumping yard were stolen by the petitioner. Subsequent to the said complaint, the present complaint has been lodged only to wreck vengeance as against the petitioner. However, on perusal of the specific allegation made in the FIR as well as the statement recorded from the victim, the custodial interrogation of the petitioner is very much required in this case.

7.In view of the above, this court is not inclined to grant anticipatory bail to the petitioner. Hence, these petitions stand dismissed.

sd/-

24/03/2023

/ TRUE COPY /

/04/2023

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

SJI
TO

1 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
THISAYANVILAI,
TIRUNELVELI DISTRICT.



No.2/326



2f.

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

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+2. CC to J.PAREKH KUMAR Advocate SR.Nos.4832 & 4833 (I)
Dt.24/03/2023

ORDER

IN

CRL OP (MD) . Nos.5489 and
5520 of 2023

Date :24/03/2023

SA/CG/SAR.3/10.04.2023/3P/5C