



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

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

CRL OP(MD) . No.6969 of 2023

1. Ragul @ Ranjithkumar,
2. Paramanathan @ Paraman,

... Petitioners/Accused 2 & 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Palani,
Dindigul District.
(Crime No.10/2022).

... Respondent/Complainant

For Petitioners : M/s.Surya.P, Advocate.

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

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

PRAYER :- Pleased to enlarge the petitioners on anticipatory Bail in the event of his arrest in Spl.S.C.No.134 of 2022 on the file of the Learned Fast Track Mahila Court, Dindigul in Crime No.10 of 2022 on the file of the respondent.

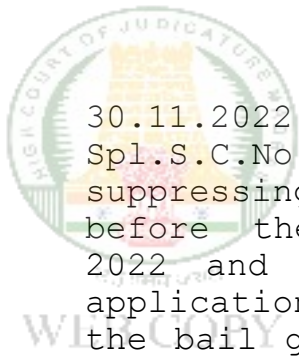
ORDER : The Court made the following order :-

The petitioners/A2 and A4, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 376(3) of IPC and sections 5(1) r/w. 6 of POCSO Act in Crime No.10 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, the petitioners had committed sexual assault on the victim who is aged about 16 years suppressing their married life. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioners were arrested and remanded to judicial custody in Crime No.10 of 2022. They moved application for bail before the Fast track Mahila Court, Dindigul and the same was dismissed on 17.11.2022 in Crl.M.P.No.2087 of 2023. Again the petitioners have approached this Court for bail in Crl.O.P(MD) No.21139 of 2022 and this Court had dismissed the petition on



30.11.2022 directing the trial Court to dispose the in Spl.S.C.No.134 of 2022 within a period of two months. However suppressing the said fact they have moved an application for bail before the Fast Track Mahila Court, Dindigul in Crl.M.P. No.2172 of 2022 and obtained bail. Therefore the respondent had moved an application for cancellation of bail in Crl.M.P. No.95 of 2023 and the bail granted was dismissed and the same was confirmed by this Court in Crl.R.C(MD) No.276 of 2023. Therefore the petitioners apprehending arrest and filed this petition for anticipatory bail. The petitioners shall surrender and seek bail, hence this Court is not inclined to grant anticipatory bail to the petitioners.

5. In the result the petition stands dismissed. However the petitioners shall surrender before the concerned Court and file an application for bail and if any such application is filed, the concerned Sessions Judge is directed to consider the same on its own merits and in accordance with law and pass orders on the same day.

6. It is made clear that while considering the petition to bail, the Court below shall bear in mind about the overt act of the accused persons. Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the bail petition favourably.

sd/-

17/04/2023

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/04/2023

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

AAV

TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALANI, DINDIGUL DISTRICT.

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

COPY TO:

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SURYA.P Advocate SR.No.6208

ORDER IN

CRL OP(MD) No.6969 of 2023

Date :17/04/2023