



CRL OP(MD). No.13141 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13141 of 2023

Niyaz

... Petitioner/ Accused 2

Vs

The Inspector of Police,
All Women Police Sation, Manapparai,
Trichy District,
Crime No.205 of 2023.

... Respondent/ Complainant

For Petitioner : M/s ANBU.C, Advocate

For Respondent : Mr.B.NAMBISELVAN,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime no.205/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 04.05.2023 for the offences under Sections 366, 366(A), 342 and 367 of I.P.C and 5(1) r/w 6(1) of POCSO Act, 2012 in Crime No.205 of 2023 on the file of the respondent Police, seeks bail.

2.This is the second petition for bail. The earlier petition was dismissed by this Court on 30.06.2023, considering the grievous allegation made against the



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petitioner. Now, seeking bail this petition has been filed, since the petitioner is working under A3 and he has not committed any offence as alleged by the prosecution.

3.The learned Additional Public prosecutor would submit that the accused persons had committed gang rape. The victim has stated about the occurrence as alleged by the prosecution in her statement recorded under Section 164 of Cr.P.C. Though this is the second petition for bail, considering the overt act committed by the petitioner, prays to dismiss the petition since there is no change in circumstances.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5.It is seen from the 164 Cr.P.C statement of the victim, she has not identified the persons, who had committed rape. In this regard, this Court has enquired as how the Investigation Officer has identified the accused persons. The Investigation Officer, who appeared before this Court has stated that on the date of occurrence three persons followed the victim and in the bus stand itself the victim has identified the above said persons, who had committed rape. Only on that ground, the involvement of three accused persons came to light. There is also specific allegation against the petitioner that he along with other accused had committed sexual assault.



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6.Considering the servious allegations made against the petitioner, heinous nature of offence and vehement objection raised by the learned Additional Public Prosecutor, the petitioner is not entitled to get any discretionary relief from this Court, though this is the second petition for bail and there is no change in circumstances.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
19/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO
1 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUCHIRAPPALLI.
2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE SATION, MANAPPARAI, TRICHY DISTRICT.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.13141 of 2023
Date :19/07/2023

SA/BUC/SAR. /26.07.2023/3P/4C
Madurai Bench of Madras High Court is issuing
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