



CRL OP(MD). No.13670 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13670 of 2023

1.Vinothraja

2.Kelin Raj

... Petitioners / Accused Rank not known

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
Crime No.15 of 2023.

... Respondent / Complainant

For Petitioners : M/s.D.S.Haroon Rasheed, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners / Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections (*)**376(D)**, 354(A)(1)(i) of IPC in Crime No. 15 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant's version is that, she and one Veljothi / first accused were friends for about five years. On 16.07.2023 at about 7 p.m., the first accused took her in a car to Veerapandiyanpattinam for some work. At about 8.15 p.m., his friend one Udhaya called the first accused to come to Veerapandiyanpattinam. Both the defacto complainant and Veljothi went to his house. At that time, the said Udhaya also came to the house. They locked the room and subjected her to penetrative sexual assault. Based upon the incident, the present case came to be registered.

3. The learned counsel for the petitioners would submit that they are innocent, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) would submit that the petitioners are the friends of Accused Nos.1 and 2.



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On the ground that compromise was reached between the first accused and the defacto complainant, to show the compromise, the defacto complainant has also filed an affidavit stating that the matter was compromised between herself and the first accused and so far as the allegations against this petitioners, is concerned, they also misbehaved with the defacto complainant, while they were taking her to Veerapandiyanpattinam.

5. Considering the facts and circumstances of this case also the limited overt act attributed against these petitioners, also taking into consideration the compromise reached between the defacto complainant and the first accused, this Court is inclined to grant relief to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Tiruchendur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



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7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/08/2023

**(*)AMENDED AS PER THE ORDER OF THE COURT
DATED 07/09/2023 IN CRL OP(MD)13670 OF 2023.**

**(*)TIME OF EXECUTION OF SURETIES ALSO
EXTENDED FOR A PERIOD OF FIFTEEN DAYS
FROM THE DATE OF RECEIPT OF COPY OF THIS
ORDER.**

/ TRUE COPY /

/08/2023

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

pnn

To

**TO BE SUBSTITUTED WITH THE ORDER DATED 03/08/2023 ALREADY
DESPATCHED.**

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.13670 of 2023
Date :03/08/2023

RS/VR/SAR-(18.08.2023) 5P 5C
TM

SS/VR/14/09/2023/5P 5C

Madurai Bench of Madras High Court is issuing
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