



CRL OP(MD). No.13949 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13949 of 2023

Murugesan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukottai District.
Cr.No.26 of 2022.

... Respondent/ Complainant

For Petitioner : M/s.T.A.PUNITHAN
Advocate.

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.26 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused was arrested and remanded to judicial custody on 24.07.2022 by the respondent police for the offences punishable under Sections 363, 328 of IPC and Section 5(g) r/w 6(1) of Protection of Children from Sexual Offences

Amendment Act, 2019, in Crime No. 26 of 2022, seeks anticipatory bail.



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2. The case of the prosecution is that on 25.07.2022, the first accused called the victim girl over phone and threatened her to come to the Pillaiyar Temple near her house at 9.00 p.m., otherwise he will get into her house. The victim girl went to the place. The first accused went to the place along with his brother / the petitioner herein and picked up the victim girl in a two wheeler and went to a hut. There the accused persons forcefully offered intoxicated drink to the victim girl and sexually abused the girl. Later dropped her near Keeranur Railway gat at midnight. The victim girl with the help of her brother reached her house and she was taken to Government Hospital, where she gave the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the petitioner. He has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that on account of the fact that the petitioner is in custody for the past one year, this second application seeking bail has been filed. The earlier application was dismissed.

5. Perusal of the CD file shows that the victim girl alleged to have some sort of affair with the co accused. On the date of occurrence, she was taken to a remote place where she was forcibly given some intoxicated drink. When she was under the influence of the drink, she was subjected to sexual harassment by the accused. When



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she regained conscious and later taken to the hospital. Even at the time of admission in the hospital, she was under the influence of drinks. Medical examination was undertaken. Eventhough it does not indicate any injuries, the fact remains that the statement is also placed in the record. Whether the statement is correct or not, can be considered only by the trial before the trial Court.

6. Considering the gravity of offences, this Court is not inclined to grant bail to the petitioner. If the petitioner is released on bail, he will tamper the witnesses. The petitioner can revive his bail application after the examination of the victim before the trial Court.

7. With this liberty, this Criminal Original Petition stands dismissed.

sd/-
11/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO
1 THE SESSIONS JUDGE(FAC)
MAHILA COURT, PUDUKKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR, PUDUKOTTAI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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

ORDER
IN
CRL OP(MD) No.13949 of 2023
Date :11/08/2023

SA/JGB/SAR. /08.09.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.