



CRL OP(MD). No.14387 of 2023

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

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14387 of 2023

V.Jayapal

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Cholapuram Police Station,
Cholapuram,
Thanjavur District.
(Crime No.284 of 2023).

... Respondent/Complainant

For Petitioner : M/s.PRAHALAD RAVI.B,
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.284 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 21.06.2023 for the alleged offence under Sections 355, 376(2)(1) of IPC in Crime No.284 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are residing in the same street. The defacto complainant's daughter is deaf and dumb,



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who is aged about 29 years. She residing along with the defacto complainant. On 28.03.2023 at about 07.00 p.m. while the defacto complainant returned from work, her daughter embraced her and started crying and on enquiry, she informed her that the petitioner has physically abused her. The said incident was reported to the Panchayat and on the advise of the Panchayat, complaint has been lodged before the respondent police.

3.On the ground that the petitioner is aged about 72 years, who is incapable of performance of any sexual activity, this petition has been filed. Apart from that it has been submitted that no medical evidence is collected so far to connect this petitioner in the above said offence.

4.The learned Additional Public Prosecutor would submit that final report is made ready and will be presented before the concerned Court within short time.

5.Medical report of the petitioner was also received and it was not suggested that the petitioner could not perform the said activity. Reading of the complaint shows that the victim is a deaf and dumb person. Taking advantage of the disability of the victim, the above said assault has been made by the aged person. Even though final report was made ready, this Court is not inclined to grant bail to the petitioner.

6.Let the final report be presented by the respondent police before the concerned Court immediately. The concerned trial Court shall process the final report



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and take cognizance within the time stipulated as per the Rules, proceed the trial and dispose of the same within a period of three months, thereafter. The petitioner shall not approach this Court again for similar relief.

7. With the above said directions, this Criminal Original Petition stands dismissed.

sd/-
23/08/2023

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

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TO
1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
CHOLAPURAM POLICE STATION,
CHOLAPURAM,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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



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COPY TO:

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

ORDER
IN
CRL OP(MD) No.14387 of 2023
Date :23/08/2023

SA/VR/SAR. /11.09.2023/4P/7C

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