



CRL OP(MD). No.16708 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16708 of 2023

Shanmugavel

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Kadambur All Women Police Station,
Thoothukudi District.
(Crime No.06/2023)..

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu S,
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.06/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 15.08.2022 for the alleged offence under Sections 450, 376(2) (k) r/w 511 of IPC, in Crime No.06 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 13.08.2023 at about 2.30 a.m., the petitioner trespassed in to the house of the defacto complainant and attempted to rape his daughter who is mentally retarded. When the defacto complainant intervened, the petitioner escaped from the house of the defacto complainant. Based on the complainant, preferred by the defacto complainant the respondent registered the case against the above petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that because of previous motive on civil dispute, this false complaint has been foisted against him.

4.The learned Additional Public Prosecutor would submit that the victim is aged about 23 years. Investigation in this case is still pending.

5.Reading of the complaint shows that the victim is a deaf and dumb person. The defacto complainant is the eye witness in this case. Even though the petitioner stated that due to civil dispute and without any evidence, this case has been foisted against the petitioner, considering the grievous nature of allegation, this Court is not inclined to grant bail to the petitioner. The petitioner is not entitled for any relief.



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6. Accordingly, this criminal original petition stands dismissed.

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20/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

- 1 THE SUB INSPECTOR OF POLICE
KADAMBUR ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI, THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-13892[I] dated 20/09/2023)

ORDER
IN
CRL OP(MD) No.16708 of 2023
Date :20/09/2023

SS/JGB/16/10/2023/3P/5C

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