



CRL OP(MD). No.18143 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Raja,

2. Prasath @ Prasanth,

3. Chinraj,

... Petitioners/ Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,

Awps Alangudi Police Station,

Pudukottai District.

Crime No.12 of 2022..

... Respondent/ Complainant

For Petitioners : M/s.Benazir Begum M, Advocate.

For Respondent : M/s.AASHA,

Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime.No.12 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioners/ Accused, who were arrested and remanded to judicial custody on 27.10.2022 for the alleged offence punishable under Sections 450,294(b),506(i),363 of IPC and Section 5(n),5(g)r/w.Section 6(l) of POCSO Amendment Act,2019 in Crime No.12 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons trespassed into the house of the victim and committed rape on the victim aged about 17 years and also abused her in filthy language and also threatened with dire consequences, hence she consumed insecticide and attempt to commit suicide and she was rescued by the neighbours. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner along with three other persons committed gang rape on 25.10.2022 and on the next day medical officer examined the victim and stated that there is no external injuries on the body and hence the prosecution story is unbelievable. He would further submit that the petitioner is in jail from 27.10.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein along with other accused committed gang rape on the minor victim aged about 17 years, hence she objected to grant bail to the



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petitioner. She would further submit that the investigation has been completed and charge sheet has been filed before the concerned Court.

5. On perusal of the records it is revealed that the First Information Report has been registered on 26.10.2022. It is also noticed that on 26.10.2022 Dr.A. Yamuna, Senior Assistant Surgeon, Government Hospital, Aranthangi who examined the victim stated that obviously there is no external injuries noted in the body of the victim. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration and also taking into consideration the fact that the investigation has been completed and final report filed before the concerned Court and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to 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 Mahila Court, Pudukottai and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar



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card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on receipt of summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/10/2023

/ TRUE COPY /

11/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE MAHILA JUDGE,
PUDUKKOTTAI.

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



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- 2 THE INSPECTOR OF POLICE
AWPS ALANGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SRINIVASARAGAVAN, Advocate (SR-14976[I] dated 11/10/2023)

ORDER
IN
CRL OP(MD) No.18143 of 2023
Date :11/10/2023

PKP/11.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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