



Crl.O.P.No.3038 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners seek bail in Crime No.405 of 2023, registered by the respondent for the offences punishable under Sections 294(b), 448, 323, 506(2), 397, 326 r/w 109 of IPC and Section 4 of TNPHW Act. The petitioners had been taken into custody on 19.07.2023.

2.It is stated that the husband of the defacto complainant had died. She was living alone. The 2nd petitioner herein appears to have entered into the house with intent to give her sexual torture. On the fateful day, she had given a complaint against the accused persons. The issue was compromised. Thereafter, the accused persons again entered into the house of the defacto complainant and assaulted her with iron rod.

3.The earlier application seeking bail in Crl.O.P.No.26092 of 2024 had been dismissed by this Court on 16.11.2023.

4.Even when this petition seeking bail was pending, it is informed that the Principal Sessions Judge, Kallakurichi had granted bail to this accused.



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5.A report was sought from the learned Principal District Judge, Kallakurichi. A report dated 15.03.2024 had been forwarded in D.No.783 of 2024 wherein, it had been stated as follows:

“Hence, as aforesaid, neither the counsel for the petitioner nor the learned Public Prosecutor has brought the Notice to the Court about the pendency of Crl.O.P.No.3038 of 2024 on the file of the Hon'ble High Court, Madras. It appears that the learned Counsel for the petitioner and the learned Public Prosecutor have suppressed the material fact and obtained the order.”

6. In view of that fact, this Criminal Original Petition stands dismissed. But however, a direction is given to the Principal Sessions Judge, Kallakurichi, to proceed in the manner known to law, in view of the suppression of the material fact and obtaining an order granting bail before the Court.

18.03.2024

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