



CrI.O.P.No.5231 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1 who was arrested and remanded to judicial custody on 17.12.2023 for the offences registered under Sections 294(b), 376(1), 354A(1)(ii), 506(ii) r/w Section 109 IPC in Crime No.26 of 2023 on the file of the respondent police, seeks bail.

2.The earlier applications seeking bail in CrI.O.P.Nos.106 of 2024 and 3029 of 2024 had been dismissed by this Court on 22.01.2024 and 12.02.2024 respectively.

3.In the order dated 12.02.2024, this Court had observed as follows:

“2.The petitioner, who is arrayed as A1, is the Village Panchayat President of Malligapuram Village, C.Nachipattu Post, Chengam Taluk, Tiruvannamalai District and A2 is the husband of the defacto complainant. A3 and A4 are mother and father of A2. It is the case of the prosecution that owing to misplaced belief in astrology, A2 to A4 pushed the defacto complainant to have physical relationship with A1. The statement under Section 164(5) of Cr.P.C had been recorded and it reveals a tale of agony and the plight suffered by her owing to economic backwages.



3.It is stated by the learned counsel for the petitioner that after the incident she had sought a job under 100 days scheme.

4.It only shows that the pathetic condition in which the defacto complainant has been pushed to by her own husband and her in-laws.

5.The learned counsel stated that the complaint had been given after three months. It is also stated that investigation has been completed and final report has been filed.

6.But however, the defacto complainant is a vulnerable witness. Therefore, it would only be appropriate that confidence is given to her to depose the facts in Court. Till that time, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed. The petitioner is at liberty to file fresh petition after completion of chief and cross-examination of the defacto complainant.

4. It is stated that the trial has not yet commenced.

5.In view of that particular fact since the defacto complainant is categorized as a vulnerable witness and there is no change in circumstances, I am not inclined to grant bail to the petitioner.



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6. Hence, this Criminal Original Petition is dismissed. After completion of chief and cross examination of the defacto complainant, the consideration for bail can be examined.

11.03.2024

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