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CrI.O.P.No.747 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.747 of 2025

G.Sivalingam

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Erode Taluk Police Station, Erode
(Crime No. 544 of 2011)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.7 of 2024 (on the file of the 1st Additional District Judge) F.A.C. of Sessions Judge Magazhir Nidhi Mandram (Fast Track Mahila Court), Erode and in Crime No.544 of 2011 on the file of the respondent Police.

For Petitioner : Ms.V.Ambika

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

Petition seeking bail in respect of Crime No.544 of 2011 registered for the offences punishable under Sections 450, 376(2)(f) of IPC, is on board for



Crl.O.P.No.747 of 2025

consideration.

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2.The incarceration of the petitioner being from 08.12.2023 pleading innocence on the part of the petitioner, learned legal aid counsel for the petitioner seeks indulgence of this Court. She also submits that the petitioner comes from a disadvantaged background and due to previous enmity the de facto complainant filed a false complaint against him. The learned counsel further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that petitioner sexually assaulted the victim girl, who is aged about six years and it is a case of rape and the case is of the year 2011, which is pending for trial in S.C.No.7 of 2024 (on the file of the 1st Additional District Judge) F.A.C. of Sessions Judge Magazhir Nidhi Mandram (Fast Track Mahila Court), Erode. The petitioner had absconded in the year 2014 and with great difficulty the petitioner was secured on 08.12.2023. He further submits that there are fifteen witnesses in this case and the respondent is taking effective steps to complete the



Cr1.O.P.No.747 of 2025

trial as expeditiously as possible. He further submits that if he is released on bail, there is every possibility of him absconding again and not available for trial.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the fact that it is a case of the year 2011 and the victim is the six year old girl and the petitioner absconded from the year 2014, this court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed, with a direction to the 1st Additional District Judge, F.A.C. of Sessions Judge Magazhir Nidhi Mandram (Fast Track Mahila Court), Erode to complete the trial as expeditiously as possible.

23.01.2025

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CrI.O.P.No.747 of 2025

A.D.JAGADISH CHANDIRA, J.
sai

To

1.I Additional District Judge,
F.A.C. of Sessions Judge
Magazhir Nidhi Mandram (Fast Track Mahila Court)
Erode

2.The Inspector of Police,
Erode Taluk Police Station,
Erode

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.747 of 2025

23.01.2025