



Crl.O.P.No.19226 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19226 of 2025

Samir Malik

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Kovilpalayam Police Station
Coimbatore District
Crime No. 101 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail pending
investigation in Crime No. 101 of 2025 on the file of respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
26.03.2025, for the offence punishable under Section 64 of BNS Act, 2023 in
connection with Crime No.101 of 2025, registered on the file of the respondent,
seeks bail.



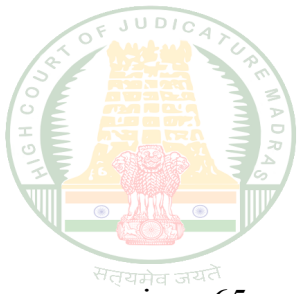
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2. The case of the prosecution is that the petitioner went to his friend's house, who is a tenant of the defacto complainant where, the petitioner, under the influence of alcohol, misbehaved with the defacto complainant. Due to the said act, the defacto complainant sustained injuries and got admitted in the hospital on 26.03.2025 subsequently, she was discharged on 30.06.2025. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He also submitted that the petitioner is in no way connected with the alleged offence. It is the contention of the petitioner that there was a rental dispute between his friend and the defacto complainant, when the same was questioned by him, he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, strongly opposed the contentions of the petitioner and submitted that the petitioner, in a drunken state, had entered into the defacto complainant's house and committed forcible rape on the defacto complainant, who

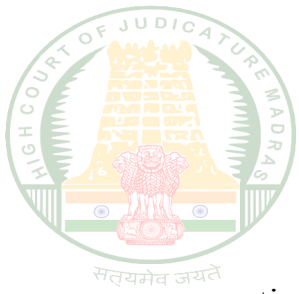


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is a 65 year old women. He submits that the petitioner used to visit his friend's house, who is a tenant of the defacto complainant. Taking advantage of her being alone, he committed rape and the victim resisted the act, during which she sustained injuries in her private part which has been confirmed by the medical evidence. He submits that statement has also been recorded under Section 164 of Cr.P.C from the victim. He also submits that in this case, investigation has been completed and charge sheet has been filed as early as 14.06.2025 before the Judicial Magistrate, Annur and the same is yet to be taken on file. Now, the case is at the stage of committal. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the statement recorded under Section 164 of Cr.P.C from the victim.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, considering the gravity of the offence committed by the petitioner, which is inhuman in nature, taking note of the fact that the statement recorded under Section 164 of Cr.P.C from the victim and the medical records are supporting the case of the



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prosecution, this Court is not inclined to grant bail to the petitioner. Accordingly, **the Criminal Original Petition stands dismissed.** Keeping the case at the committal stage from 14.06.2025 till date is not proper, especially in cases involving rape. Therefore, the learned District Munsif cum Judicial Magistrate, Annur, Coimbatore is directed to commit the case to the learned Principal District and Sessions Judge, Coimbatore.

07.07.2025

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To

1. The Inspector of Police
Kovilpalayam Police Station
Coimbatore District

2. The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

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