



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23589 of 2016

1 SELVAM @ SELVARAJ
2 PALANIYAPPAN

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT
(CRIME NO.21 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

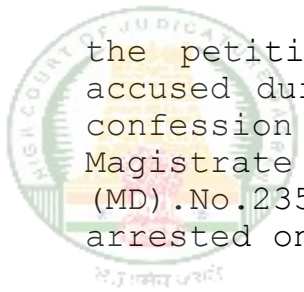
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused were arrested on 27.11.2016 for the offences punishable under Sections 5(1)(i) & 6 of the Immoral Traffic (Prevention) Act, Sections 370(A)(5) & 373 of I.P.C. and Section 17 of POCSO Act, 2012 @ 5(1)(i) & 6 of the Immoral Traffic (Prevention) Act, Sections 370(A)(5) & 373 of I.P.C., and Section 17 POCSO Act, 2012 r/w. 3(1)I, II 3(II) (v)(a) of SC/ST Act @ 5(1)(I) and 6 of the Immoral Traffic (Prevention) Act and Sections 370(A)(5), 372 & 373 of the I.P.C., and 3(a)r/w. 4, 5(i)(c)(m)(s) r/w. Sections 16 & 17 of POCSO Act r/w. 3(1)-I, II 3(ii)(v)(a) of SC/ST (POA) Act in Crime No.21 of 2016 on the file of the respondent police, seeks bail.

2. The learned Government Advocate (Crl.side) appearing for the respondent states that A1 and A2 named in the F.I.R. and they were released on bail by the Sessions Judge, Fast Track Mahila Court, Sivagangai and A4 was also released on bail by this Court in Crl.O.P.(MD).No.23168 of 2016 dated 09.12.2016. Then, A6 viz., Vignesh Kumar was also released on bail by this Court in Crl.O.P.(MD).No.23418 of 2016 dated 19.12.2016. He further states that the investigation is still pending.

3. The case of the prosecution is that the minor girl was put into a prostitution by A1 and A2 and she was sexually harassed by



the petitioners herein. The victim girl has also identified the accused during the course of investigation and on the basis of the confession statement given by the victim girl before the Judicial Magistrate under Section 164 Cr.P.C., the petitioners in Crl.O.P. (MD).No.23548 of 2016 are A14 and A15 respectively, who were arrested on 01.12.2016 and they are in custody.

4. A copy of the 164 statement given by the minor girl before the learned Judicial Magistrate is also produced before this Court, in which the name of the petitioners were mentioned by the girl herself.

5. Considering the above facts and circumstances of the case and also the names of the petitioners herein mentioned by the victim girl during her confession statement before the learned Judicial Magistrate and the investigation is still pending, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/12/2016

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

4 THE SUPERINTENDENT CENTRAL PRISON, TIRUCHIRAPPALLI

GJM/SKN/SAR-2-2.1.17-2P-5c

ORDER
IN
CRL OP (MD) No.23589 of 2016
Date :20/12/2016