



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

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11682 of 2017

JOHN PETER

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL.
CR NO. 325/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.BANUPRASATH Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

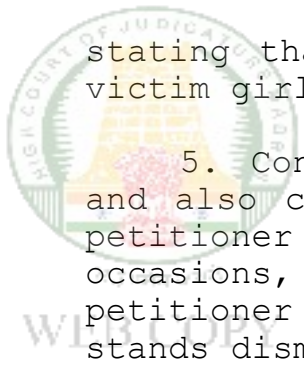
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 19.07.2017, for the offences punishable under Sections 363 and 342 of IPC., r/w Section 6 of POCSO Act, in Crime No. 325 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have taken the victim girl, who is aged about 14 years, studying in 9th Std., and she was kept in the house of the elder brother of the petitioner herein at Mettupatti and the petitioner made intercourse with the said victim girl more than once.

3. The learned counsel appearing for the petitioner states that the petitioner did not involve in the offence as alleged in the prosecution. The petitioner and the victim girl are in love affairs and with consent of the victim girl, the petitioner made intercourse with the girl.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner is a sole accused in this case. An earlier application moved before this Court in Crl.OP(MD).No.10453 of 2017 and the same was dismissed on 16.08.2017. The present application is the second application seeking bail. The petitioner was arrested and remanded to judicial custody on 19.07.2017 and still he is in judicial custody. Medical report is also received stating that the victim girl's hymen is not intact and also the victim girl has given 161(3) Cr.P.C statement



stating that the petitioner compelled her to intercourse with the victim girl on several times and investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the gravity of charge that the petitioner made intercourse with the victim girl on several occasions, this Court is not inclined to grant bail to the petitioner at this stage. Hence the Criminal Original Petition stands dismissed.

sd/-
18/09/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- +1. CC to M/S.P.BANUPRASATH Advocate SR.No.30935

ORDER
IN
CRL OP(MD) No.11682 of 2017
Date :18/09/2017

MKV-PM-PN-SAR 4/19.09.2017/2P-5C