



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

Wednesday, the Fourth day of October Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12843 of 2017

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NALLOORPANDIAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT
(CRIME NO.502 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : NO APPEARENCE

For Respondent : MR.J.MOHAN, 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 04.08.2017, for the offences punishable under Section 'Girl Missing' altered into Sections 366 & 376 I.P.C., r/w Sections 3 r/w.4 & 7 r/w.8 of Prevention of Children from Sexual Offences Act, 2012, in Crime No. 502 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl are neighbours. The petitioner is a married man having a male child. On a false promise of marriage, the petitioner had intercourse with the said victim girl on several occasions and the said victim girl is now in pregnant. The Doctor, who examined the victim girl states that hymen was not intact and she is in pregnant for 5 months. The victim girl is also given 164 Cr.P.C., statement before the Magistrate. The victim was also sent for medical examination and report is awaited and the investigation is still pending. The petitioner was arrested on 04.08.2017 and he is in judicial custody from the date of arrest onwards.

3. The learned counsel for the petitioner is not present before this Court today and there is no representation by the petitioner side.



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.11664 of 2017 and the same was dismissed on 13.09.2017. The present application was filed before this Court on 25.09.2017 and there is no change of circumstances of the case.

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5. Considering the above facts and circumstances of the case and also considering the fact that the victim girl is now in pregnant, awaited for the medical report and there is no change of circumstances of the case, this Court is not inclined to grant bail to the petitioner at this stage. Hence the Criminal Original Petition stands dismissed.

sd/-

04/10/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 THE OFFICER-IN-CHARGE,
SUB JAIL, SRIVILLIPUTHUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12843 of 2017

Date :04/10/2017

PK/RR-BS/SAR-31/09.10.2017 : 2P/4C