



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

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.13802 of 2017

NALLOORPANDIAN

... PETITIONER / SOLE ACCUSED

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.LINGARASU Advocate

For Respondent : Mr.T.MOHAN, Additional Public Prosecutor

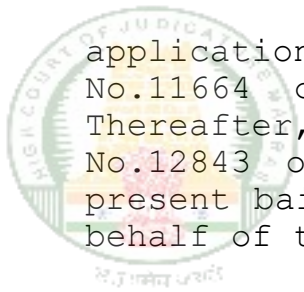
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

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.

3. The learned counsel for the petitioner states that the second bail application is dismissed for non-prosecution, due to illness. He further submitted that the petitioner suffering incarceration in jail from 04.08.2017 onwards and the petitioner is falsely implicated in this case.



application moved on behalf of this petitioner in CrI.O.P(MD). No.11664 of 2017 was dismissed by this Court on 13.09.2017. Thereafter, the second bail application was moved in CrI.O.P(MD). No.12843 of 2017 and the same was dismissed on 04.10.2017. The present bail application is filed in third time for seeking bail on behalf of the petitioner.

5.The learned Additional Public Prosecutor further submitted that the victim is aged about 17 years on the date of occurrence. On false promise of marriage, the petitioner is said to have intercourse with the victim girl and caused pregnancy. The medical report is also received, in which, it is stated that hymen was not intact because of the intercourse. The petitioner is already a married man and he is also having one male child. The victim girl was also given 164 Cr.P.C. statement before the concerned Magistrate and there is no change of circumstances of the dismissal of the earlier bail application and investigation is pending.

6.Considering the above facts and circumstances of the case and also considering the fact that the victim girl, who is aged about 17 years, is now in pregnant because of the act of the petitioner herein 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/-
12/10/2017

/ 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 OFFICE INCHARGER,
SUB JAIL, SRIVILLIPUTHUR
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

JAM/23.10.17/RR-BS/SAR 2/ 2P-4C

ORDER
IN
CRL OP(MD) No.13802 of 2017
Date :12/10/2017