



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

Friday, the Ninth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6978 of 2017

KADAMBER SELVI

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAPPARAI,
TRICHY DISTRICT
CRIME NO. 5 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.JOEL PAUL ANTONY Advocate

For Respondent : MR.C.RAMACHANDRAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/2nd accused, who was arrested and remanded to judicial custody on 30.05.2017, for the alleged offence, punishable under Sections 294(b), 323, 447, 506(i) IPC and Sections 7 & 8 of POCSO Act, 2012, in Crime No.5 of 2017, on the file of the respondent Police, seeks bail.

2.Heard Mr.A.Joel Paul Antony, learned counsel appearing for the petitioner and Mr.C.Ramachandran, learned Additional Public Prosecutor appearing for the State.

3.The fact of the case is that the petitioner is the second accused in Crime No.5/2017, wherein it is alleged that the petitioner's son harassed the defacto-complainant and her mother. The defacto-complainant, being a 17 years old girl, based on her complaint, the police has registered a case under Sections 7 & 8 of POCSO Act along with Sections 294(b), 323, 447 & 506(i) IPC. As per the FIR, One Suresh, who is the son of the petitioner herein, has misbehaved with the defacto-complainant on 06.05.2017. When that was questioned by the mother of the defacto-complainant, he has assaulted her.

4.The learned counsel for the petitioner submitted that for the alleged occurrence on 06.05.2017, complaint was given only on 30.05.2017, after a delay of 25 days, that itself clearly indicates

the embellishment and imaginary allegation against the petitioner.

5. On giving anxious consideration to the said pleading, in the light of the complaint, this Court finds that the petitioner, who is a 17 years old girl, has clearly stated that the matter was reported to the village people for necessary actions. Since they failed, she has restored Criminal complaint before the police. The case of this nature delay in lodging complaint, is bound to occur and that cannot be a reason to negative the complaint. Since the investigation is at the very initial stage and the prime accused/A1, Suresh is absconding, this Court is not inclined to grant bail to the petitioner. Accordingly, this bail petition is dismissed.

sd/-

09/06/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAPPARAI, TRICHY DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT ,
CENTRAL PRISON FOR WOMEN, GANDHI MARKET, TRICHY.

Gk/myr

CSL/MSA/SAR-IV/14.06.2017 : 2P/4C

ORDER

IN

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Date : 09/06/2017