



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3254 of 2018

DURAIRAJ

... PETITIONER/3<sup>rd</sup> ACCUSED

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE  
THOGAMALAI POLICE STATION,  
KARUR DISTRICT  
(CRIME NO. 35 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SIVALINGAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody 05.02.2018, for the offence punishable under Sections 366(A) I.P.C., and Section 12 of POCSO Act 2012, in Crime No.35 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.02.2018, the first accused and his friend abducted the defacto complainant's daughter, who is aged about 14 years. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 05.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that there are totally four accused in this case. The petitioner herein is arrayed as A3. On 02.02.2018, all the accused had kidnapped the victim girl and co-accused Illayaraja sexually harassed the victim girl. According to him, investigation



is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered. The petitioner is in judicial custody from 05.02.2018 onwards. On going through the facts of the case, it is alleged that during the time of occurrence, the petitioner and other three accused have intentionally kidnapped the victim girl, who is aged 14 years, for the purpose of marriage with the first accused. Further, on going through the statement given by the Victim girl before the Concerned Judicial Magistrate, she confirmed the averment made in the F.I.R., as against this petitioner. In the above circumstances, since the case is under investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-  
01/03/2018

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

TO

- 1 THE INSPECTOR OF POLICE  
THOGAMALAI POLICE STATION, KARUR DISTRICT
- 2 THE OFFICER INCHARGE  
SUB JAIL, KULITHALAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

ORDER  
IN  
CRL OP(MD) No.3254 of 2018  
Date :01/03/2018

SMA/CSL/SAR-2/09.03.2018:2P/4C