



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

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4263 of 2018

TAMILVANAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
CR.NO.3 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SADIQ RAJA, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 26.02.2018 for the offence punishable under Sections 9(m) and 10 of Protection of Children from Sexual Offences Act, 2012 in Crime No.3 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have committed the sexual assault on the victim girl, who is the daughter of the defacto complainant. Hence, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 26.02.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.



5.The submissions made by the learned counsel appearing on either side are considered.

6.It is alleged, during the time of occurrence, the petitioner being the petty shop owner, tried to made sexual assault with the victim girl, when the victim girl came to the shop for the purchase of "கோலப்பொடி". At the time of occurrence, the petitioner was aged about 40 years, so far, he has continued the business in the same place.

7.Considering the manner of offence committed by the petitioner, this Court came to the conclusion that if this type of petitioner is granted with bail, there may be a chance for tampering the witnesses and hampering the investigation. Hence, this Court is not inclined to enlarge the petitioner on bail.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/03/2018

/ 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, THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 THE OFFICER-IN-CHARGE, SUB JAIL, THIRUPATHUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SADIQ RAJA Advocate SR.No.4830

ORDER
IN
CRL OP(MD) No.4263 of 2018
Date :23/03/2018

PK/PMI/SAR-1/03.04.2018 : 2P/5C