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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.4371 of 2018

SANKARANARAYANAN ... PETITIONER / ACCUSED-1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VILATHIKULAM,
THOOTHUKUDI DISTRICT.
IN CR.NO. 07/2017 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MOORTHY 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/Accused No.1, who was arrested and remanded to judicial custody on 17.01.2018 for the offences punishable under Sections 5(j) (ii) 5(l) and 6 of Protection of Children from Sexual Offences Act, 2012, and Section 506(ii) IPC., in Crime No.07 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and another accused in this case had forcible sexual intercourse with the victim girl and also made her life threat for not to disclose the matter. Thereafter, the victim girl got pregnant and she gave birth to one female child. Hence, the case has been registered against the petitioner and the other accused for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and he is in judicial custody from 17.01.2018. Therefore, he prays for grant of bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the victim girl is aged about 17

years. In the 164 statement, the victim girl clearly stated the offence committed by the petitioner and another one accused. According to the prosecution, the investigation is going on. Hence, he prays for dismissal of this petition.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, in the month of March, 2017, the petitioner herein without getting consent from the victim girl, made forcible penetration. Further, he threatened her for not disclose anything to the other persons. Subsequently, the victim girl got pregnant and thereafter, she gave birth to one female child. When at the time of recording 164 statement by the learned Judicial Magistrate No.II, Tuticorin, the victim girl reiterated the above allegation towards the petitioner. Thereby, eventhough the petitioner is in judicial custody from 17.01.2018, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner at this stage. 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 JUDICIAL MAGISTRATE NO.II, TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VILATHIKULAM,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI, THOOTHUKUDI DISTRICT

GJM/PN/SAR-I-6.4.18-2P-7C

ORDER
IN
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Date :23/03/2018

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