



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.952 of 2018

SATHISHKUMAR,

... PETITIONER/ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.808 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAYAPERUMAL 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, who was arrested on 04.12.2017 for the offence punishable under Sections 366(A), 376 I.P.C and Sections 6,9 of POCSO Act, in Crime No.808 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.11.2017, the defacto complainant's daughter went to her routine work to the textile showroom, but, she was not returned to home. After tracing her daughter at various place, the defacto complainant came to know that the accused herein kidnapped his daughter. Hence, the defacto complainant lodged a complaint against the petitioner/accused before the respondent police, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not involve in the offence as alleged by the prosecution. Due to the previous enmity between the petitioner and the defacto complainant, the petitioner has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody for more than 44 days. Hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the accused herein has kidnapped the victim minor girl and investigation is not completed. Hence, he vehemently opposed to grant bail to the petitioner.

5.The submissions made by the learned counsel on either side are considered, it disclose that the offence under Sections 366(A), 376 I.P.C and Sections 6 & 9 of POCSO Act, in Crime No.808 of 2017 has been registered against the petitioner. Considering the submission made by the Government Advocate (Criminal Side) and also considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.MAYAPERUMAL Advocate SR.No.1119

ORDER
IN
CRL OP(MD) No.952 of 2018
Date :22/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:2P/5c