



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.954 of 2018

ANANTHA BABU

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.7 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Rank not known, who was arrested and remanded to judicial custody on 24.12.2017 for the offence punishable under Section 363 I.P.C. and Section 4 of POCSO Act, in Crime No.7 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner's house and the defacto complainant's grand-mother's house are the adjacent houses. The petitioner and the defacto complainant developed their friendship between them, taking advantage of the friendship, the petitioner proposed his love with the defacto complainant. In these circumstances, on 22.12.2017, the petitioner kidnapped the defacto complainant. Hence, based on the complaint given by the defacto complainant against the petitioner, case has been registered, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant loved with each other. The petitioner did not kidnap the defacto complainant, originally, she voluntarily came out from her home. He further submitted that the petitioner is in judicial custody from 24.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) submitted that the petitioner kidnapped the victim girl, who is aged about 17



years at the time of occurrence. According to him, 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 seems that on 24.12.2017, the petitioner was surrendered and remanded to judicial custody for the offences punishable under Section 363 of I.P.C. and Section 4 of POCSO Act. Now, on go through the statement given by the victim girl before the Police Officer, shows that the offence committed by the petitioner was happened against her will, further the victim girl not attained the age of majority at the time of occurrence. Hence, considering the fact that the investigation is not completed in this case, this Court come to conclusion that if this type of petitioner is released on bail, he may be try to tamper the witness and hamper the investigation. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
22/01/2018

/ 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,
PARAMAKUDI, RAMANATHAPRUAM DISTRICT.
2. THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPRUAM.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.954 of 2018
Date :22/01/2018

MS/PM-PN/SAR.2/31.01.2018/2P.4C