



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.8834 of 2018

ANAND

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 60 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.EZHILARASU, Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 07.04.2018 for the alleged offences punishable under Sections 147, 366(A) of IPC @ 417, 366(A) of IPC and 5(n), 6 of POCSO Act, in Crime No.60 of 2018, on the file of the respondent police, seeks bail.

2.The case of prosecution is that the petitioner, who is the brother of the defacto complainant, kidnapped the daughter of the defacto complainant and had forcibly sexual intercourse with her for fifteen days. Thereby, the defacto complainant lodged a complaint as she was missing.

3.On the side of the petitioner, it is stated that the occurrence is said to have took place on 13.02.2018. The FIR was lodged on 16.02.2018 and the petitioner was in custody for the past 33 days. It is stated that due to civil dispute between the parties, the defacto complainant has lodged a false complaint against the accused. It is stated that the petitioner is suffering from jaundice and he prayed to grant bail to the petitioner.

4.On the side of the respondent, it is stated that victim is 16 years old and the accused is already married and having three



children. It is further stated that the accused is defacto complainant uncle's son and he has kidnapped the minor girl and confined her in a rental house and had forcibly sexual intercourse with her and the learned Judicial Magistrate has recorded a statement under Section 164 Cr.P.C., from the victim and he vehemently opposed to grant bail to the petitioner.

4.Considering the facts and circumstances of the case and considering the age of the victim and considering the marital status of the petitioner and that no document has been filed to prove that the petitioner is suffering from jaundice and that the petitioner is in custody only from 07.04.2018 and that the investigation is still pending, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
20/06/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

MRN
JAM/26/06/2018/ CM-VR /GSR / 2P-4C

ORDER
IN
CRL OP(MD) No.8834 of 2018
Date :20/06/2018