



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21898 of 2018

SALEEM @ SEKKADI SALEEM

... PETITIONER /SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIRANGAM,
TIRUCHIRAPPALLI CITY
Crime No.29/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SITHARTHAN Advocate

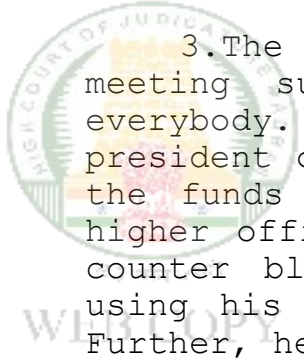
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 09.11.2018 for the offences punishable under Sections under Section 9 (m), (o), 11(4), 12 of POCSO Act, 2012, in Crime No.29 of 2018, on the file of the respondent police, seeks bail.

2.The petitioner was a secretary of the Quaid-e-Millath Primary School, Thennur, Trichy running by Noorul Islam Association. For the past one year one A.M. Meeran is the President of that School. The victim girl is aged about 7 years old. Two months before to 09.11.2018, Parents Teachers meeting was held in the school campus, in which the President and the petitioner were participated. The defacto complainant is the mother of the victim and daughter of the President A.M.Meeran. After this function, the victim girl is not normal and she was in terrorized mood. When she was enquired about the same initially, she did not reveal anything. On 09.11.2018, when the victim was given bath, the defacto complainant had enquired in detail. At that time, she had stated about the petitioner's act against her. Thereafter, when the defacto complainant along with her husband questioned the petitioner, he moved away from the place. Thereafter, he claimed that he is office bearer of the ruling party and nothing can be done against him. Thereafter, the complaint was lodged to the respondent and case was registered on 09.11.2018.



3.The contention of the petitioner is that in Parent-Teachers meeting such things could not have happened in presence of everybody. Since the petitioner had sent representation against the president of the society of the School for his mis-appropriation of the funds of the school to the Chief Minister and Minister and higher officials of the Educational Department on 23.10.2018, as a counter blast, the President of the school through his daughter using his grand-daughter had foisted the false case against him. Further, he produced the copy of the letter of the petitioner's wife addressed to the Commissioner of Police on 15.11.2018 about his husband being falsely implicated in this case. Further, the contention of the petitioner is that the complaint has been lodged after a delay of 64 days of the alleged incident, which will show that the victim has been tutored which creates a suspicion whether such incident could have happened place. Further, he submits that since the petitioner is aged about 57 years, he is not capable of doing such acts.

4.The learned Government Advocate (Crl. Side) submits that after ascertaining the truthfulness of the complaint only the FIR has been registered. The reason for delay in lodging the complaint has been explained in the complaint itself and 164 statement of the victim has also been produced. The victim has been examined on 27.11.2018 by the Judicial Magistrate cum Additional Mahila Judge, Tiruchirappalli, wherein she had stated about the petitioner's sexual assault against her.

5.Considering the same and considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/12/2018

/ 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, SRIRANGAM, TIRUCHIRAPPALLI CITY.

2.THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

ORDER IN
CRL OP(MD) No.21898 of 2018
Date :20/12/2018