



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20975 of 2018

MUTHAMIL SELVAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KADAMBUR,
THOOTHUKUDI DISTRICT.
(CRIME.NO.3 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.N.RAJA MOHAMED 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, who was arrested on 05.10.2018 for the offence punishable under Sections 363,493 of IPC 5(1) and 6 Protection of Children from Sexual Offences Act, 2012 in Crime No.3 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the petitioner herein kidnapped the daughter of the defacto complainant, married her and committed penetrative sexual assault on her repeatedly

3. The learned counsel appearing of the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that both the victim and the petitioner loved each other and the victim girl voluntarily eloped with the petitioner , due to matrimonial dispute, this case has been registered.

4. The learned Government Advocate(Crl.Side)would submit that when the victim girl went out of her home, the petitioner kidnapped the the victim girl and thereafter married her and had committed penetrative sexual assault on her repeatedly. He would also submit that after marriage the petitioner started to take drinks and used to assault the petitioner and ill-treat her. He would further submit that the victim girl is aged about 17 years at the time of



occurrence. The victim girl was taken to her home by her parents and later complaint was given to the respondent police. He has also produced 164Cr.P.C statement of both the victim and her father.

5. Taking into consideration the submissions made by the counsels and also the nature of allegations made against the petitioners, this Court is of the view that the offence committed by the petitioner is very heinous in nature and the during the time of occurrence the victim is aged about 17 years and also the fact that the investigation is still pending, this Court is not inclined to grant bail to the petitioner.

6. Hence the 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, KADAMBUR,
THOOTHUKUDI DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PEROORANI, THOOTHUKUDI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/AC-PN/SAR-1/28.12.2018/2P/4C

ORDER
IN
CRL OP(MD) No.20975 of 2018
Date :20/12/2018