



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

Tuesday, the Ninth day of October Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18033 of 2018

BHARATHI

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KEERANUR ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT
CRIME NO.8 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN, Advocate.

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody since 09.08.2018 for the offences punishable under Sections 363 of I.P.C. and Section 5(m), 5(1) read with 6 of POCSO Act, 2012 in crime No.8 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.08.2018, the petitioner kidnapped the daughter of the defacto complainant and raped the victim girl, aged about only 8 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the entire case has been foisted against the petitioner. Admittedly, the victim is aged about 8 years and hence, no rape could have been committed by the petitioner and he is incarceration from 09.08.2018.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the victim is aged only 8 years and when she was playing with others, she was kidnapped by the petitioner and was raped by him and the defacto complainant came there, he ran away from the place of occurrence.



5.Considering the facts and circumstances of the case and considering the serious allegation and the petitioner has committed grave offence that too in the age of 8 years girl, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

sd/-
09/10/2018

/ TRUE COPY /

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

TO

1.THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.

2.THE INSPECTOR OF POLICE,
KEERANUR ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr.K.M.KARUNAKARAN, Advocate, SR.No.19210.

ORDER
IN
CRL OP(MD) No.18033 of 2018
Date :09/10/2018

RAM/RR/SAR 2/11.10.2018/2P/5C