



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

Tuesday, the Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4959 of 2019

R.PITCHAIMARI

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM TALUK,
VIRUDHUNAGAR DISTRICT.
Under Crime No.7/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.R.SATISH Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to Judicial custody on 24.02.2019, for the alleged offence punishable under Section 294(b) and 506(i) of IPC and Section 5(1) and 6 of POCSO Act in Crime No.7 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant, who is the mother of the victim child lodged a complaint on 24.02.2019 stating that on 13.01.2019 she sent her daughter/victim child to the house of petitioner/accused as called by him for calculating the salary. At that time, he committed penetrative sexual assault with her and he scolded the victim child by using filthy language and threatened to kill her if she tells about it to anybody. Again on 19.01.2019, the petitioner/accused came to the house of defacto complainant and he committed the very same kind of offence against the victim child. Further, on 23.02.2019, the petitioner/accused came to the house of defacto complainant and called the victim child to commit sexual assault and she ran away from her house with fear and told about it to her brother. Consequent to that, the petitioner/accused abused the victim child and her brother by using filthy language and threatened to kill them, when they condemned his activities. Hence, the respondent police had registered a case.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is doing constructive works in the locality. The defacto complainant is also one of the labour who worked under the petitioner. In that connection, the defacto complainant used to borrow hand loans from the petitioner and repay the same. Thereafter, the defacto complainant refused to repay the hand loan for which she lodged a false complaint against the petitioner. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that the victim girl aged about 13 years, the petitioner had sexual intercourse with victim girl repeatedly and it is very heinous offence hence he vehemently opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that there is specific overt act against the petitioner and there is no change of circumstance in this case, this Court is not inclined to grant bail to the petitioner.

6. Hence the Criminal Original Petition is dismissed.

sd/-
02/04/2019

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

TO

- 1.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM TALUK, VIRUDHUNAGAR DISTRICT.
- 2.THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4959 of 2019
Date :02/04/2019

TK/VR/SAR-1/22.04.2019/2P/4C