



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2865 of 2019

KARTHIK

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
IN CRIME NO.2 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.JEGAN, 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 since 26.07.2018 for the offences punishable under Sections 5(1), 5(m), 5(n) and 6 of POCSO Act, 2012, in Crime No.2 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.07.2018 when the defacto complainant's daughter playing near their house, the petitioner brought her child to his house and caused sexual assault to the child. Due the same, the child fell unconscious and the blood was also found in the leg and underwear of the child. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Due to the civil dispute, and previous enmity, the false case has been foisted against the petitioner. Hence, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that charge sheet has also been filed before the concerned Court and considering the heinous offence he vehemently opposed to the grant of bail to the petitioner. He would further submits that a statement under Section 164 of Cr.P.C is also recorded from the



victim girl by the Judicial Magistrate.

5. On perusal of the said statement prima facie found and there was a sexual assault against the victim girl. Though the charge sheet has been filed before the concerned Court, considering the heinous offence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal original petition stands dismissed.

sd/-
25/02/2019

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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,
THIRUMAYAM, PUDUKKOTTAI DISTRICT
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.2865 of 2019
Date : 25/02/2019

TM
PK/PN/SAR-1/01.03.2019 : 2P/4C