



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3464 of 2019

NIRAIPANDIAN

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT
CRIME NO.22/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHI BASU Advocate

For Respondent : K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

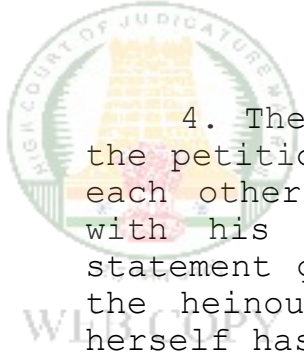
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.11.2018 for the alleged offence punishable under Sections 506(i) of IPC and 3 and 4 of Protection of Children from Sexual offences Act 2012 @ Section 506(1) of IPC r/w.5(i)(1)(m) of Protection of Children from Sexual Offences Act, 2012 in Crime No.22 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and defacto complainant took place before 21 years and after 18 years, they were blessed with a girl child. It is a unfortunate case that the petitioner and the defacto complainant was living separately for a few years and only for the welfare of the child, they joined together and leading matrimonial life. While being that so, on 07.11.2018, the defacto complainant had filed a complaint against her husband/petitioner stating that he misbehaved with her 2 ½ years old girl child.

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 and he prayed for bail.



4. The learned Government Advocate (Crl.Side) would submit that the petitioner is an alcoholic addict and very often, they quarrels each other. He would also submit that the petitioner misbehaved with his own child. The defacto complainant herself in her statement given under Section 161(3) Cr.P.C, has elaborately stated the heinous acts done by the petitioner on her child and child herself has also stated through hand signal to her mother that the person, who had caused injuries on her vagina, was her father. He would further submit that investigation in this case has been completed and charge sheet has been filed. Therefore he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the nature and gravity of offence and the offence committed by the petitioner is very heinous in nature, this Court is not inclined to grant bail to the petitioner.

6. Hence the bail petition is dismissed.

sd/-
06/03/2019

/ 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,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT
- 2 THE OFFICER IN-CHARGE
DISTRICT PRISON, VIRUDHUNAGAR
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3464 of 2019
Date :06/03/2019

MSI/PN/SAR 3/11.03.2019/2P-4C