



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.3868 of 2019

Niraipandiyan : Petitioner / Petitioner

/Vs./

State through
The Sub-Inspector of Police,
All Woman Police Station,
Rajapalayam,
Virudhunagar.
[Crime No.22 of 2018]

: Respondent /Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputtur in Crl.M.P.No.307 of 2019 on 25.02.2019 and release the petitioner / accused on bail.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.V.Neelakandan

Additional Public Prosecutor

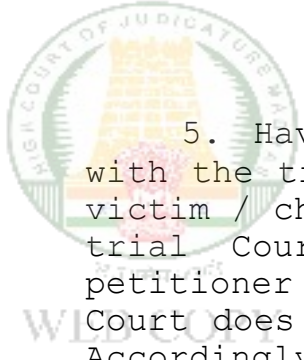
ORDER

This petition is filed challenging the order of the Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputtur dismissing the petition prayer for default bail under Section 167 (2) Cr.P.C., in Crl.M.P.No.307 of 2019 on 25.02.2019.

2. The petitioner faces charges of abusing his own 2 ½ years old daughter. Based on the complaint from the mother of the child (wife of the petitioner), a case is registered.

3. According to the learned Additional Public Prosecutor, the case was charge sheeted on the 8th day, which the petitioner herein disputes and the case is posted for framing of charges on 21.03.2019.

4. On framing of charges, the trial Court is directed to proceed forthwith the trial in terms of Section 35 (2) of the Protection of Children from Sexual Offences (POCSO) Act.



5. Having said that, the trial Court is directed to proceed with the trial and record the evidence of the *de facto* complainant, victim / child and also the Doctor, who has examined the child. The trial Court is also required to consider any prayer of the petitioner for grant of bail thereafter. For the present, this Court does not want to interfere with the order of the trial Court. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
All Woman Police Station,
Rajapalayam,
Virudhunagar.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.G.M.LAW OFFICE IN SR.No. 55035.

Cr1.O.P.[MD].No.3868 of 2019

19.03.2019

DS/ /SAR- (04.04.2019) 2P 4C