

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9744 of 2019

P.Vijay

.... Petitioner/Accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Thirumayam, Pudukottai District
Crime No. 03 of 2019.

.... Respondent/Complainant

For Petitioner : M/s.K.Baalasundharam,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 3 of 2019 on the file of the Respondent Police

ORDER : The Court Made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 27.03.2019 for the offences under Sections 354(C), 506 (ii) of IPC and 5(i)r/w.6 of Prohibition of Children from Sexual Offence Act, 2012.

2. The learned counsel for the petitioner submitted that the petitioner and the victim girl are neighbours and both of them fell in love. He further submitted that the victim girl insisted the petitioner to marry her, but since the victim girl is only 17 years old, he advised her to wait till she attained majority enraged by the same she made a false allegations against the petitioner and the victim's mother had lodged a false complaint against the petitioner.

He further submitted that the victim girl's father namely Rengarajan encroached the public property in the village and the petitioner has questioned the same and this is also the reason for giving false complaint against the petitioner. He further submitted that already investigation has been completed and charge sheet has also been filed in Spl.S.C.No.9 of 2019 on the file of the Mahila Court, Pudutkottai. He further submitted that the petitioner is in custody from 27.03.2019. Hence he prayed to grant bail to the petitioner.

3. The learned Additional Public Prosecutor would submit that the petitioner and the victim are neighbours and the petitioner had taken photo when the victim was taking bath and by showing the said photos, he compelled her to have sexual relationship with him and the petitioner had sexual relationship with her two or three times. He further submitted that the said fact was known to the victim girl's parents and hence a complaint has been lodged by the mother of the victim girl. He further submitted that the victim girl in her statement recorded under 164 Cr.P.C has stated that the petitioner had taken photos of her and by showing the same he had sexual intercourse with her two or three times. He further submitted that the medical certificate of the victim girl also shows that the victim girl was subjected to sexual assault. He further submitted that the investigation in this case has been completed and charge sheet has been filed before the concerned court but the same has not been taken on file. He would further submit that if the petitioner is released on bail, he will tamper the witnesses. Hence he objected to grant bail to the petitioner.

4. Taking into consideration of the statement recorded under 164 Cr.P.C from the victim girl and in that statement, she has stated that when she was taking bath, the petitioner had taken photos and by showing the same, the petitioner had sexual intercourse with her two or three times and also in the medical certificate it is stated that the the victim was subjected to sexual assault and also the fact that the charge sheet has been filed before the concerned Court, this Court is not inclined to grant bail to the petitioner.

5. Hence the bail application is dismissed. However taking into consideration the fact that the petitioner is in custody from 27.03.2019, the trial Court is directed to dispose of the case as expeditiously as possible

sd/-
12/07/2019

/ TRUE COPY /

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

TO

1 MAHILA COURT, PUDUKOTTAI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE OFFICE IN CHARGE, DISTRICT PRISON, PUDUKOTTAI

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUMAYAM,
PUDUKOTTAI DISTRICT

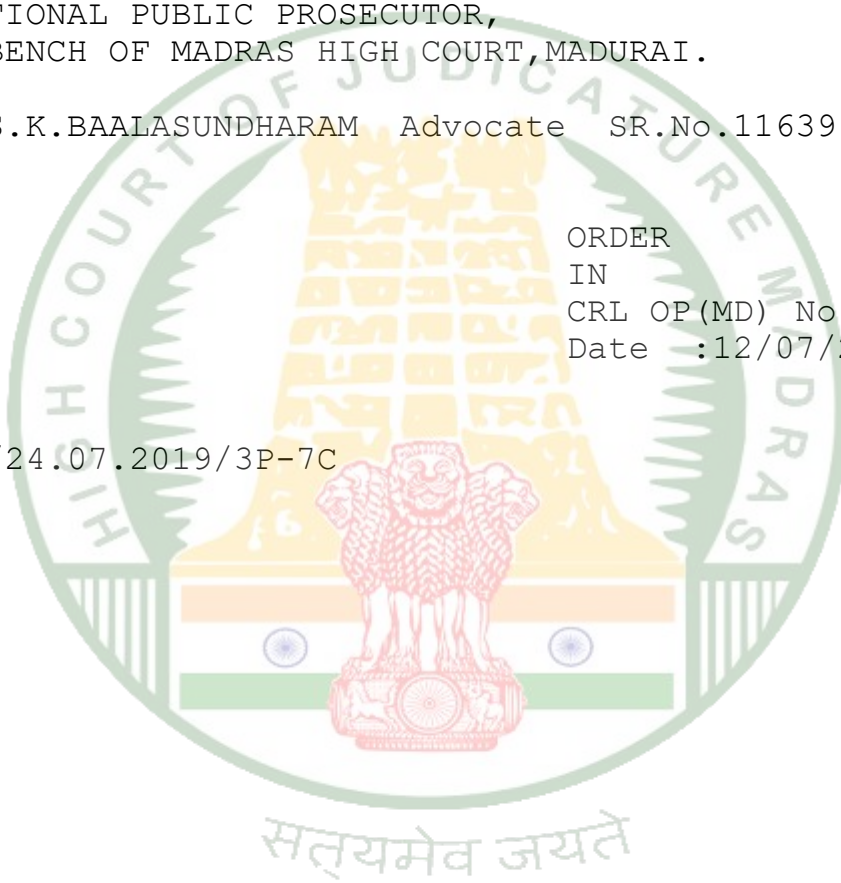
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.BAALASUNDHARAM Advocate SR.No.11639

ORDER
IN
CRL OP(MD) No.9744 of 2019
Date :12/07/2019

AAV

JMN/JC/SAR-2/24.07.2019/3P-7C



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