



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

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10735 of 2019

A.Murugesan

... petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station, Kovilpatti,
Thoothukudi District
Crime No.5 of 2019

... Respondent/Complainant

For Petitioner : M/s.M.Veilkani Raju, Advocate.

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

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

PRAYER :-

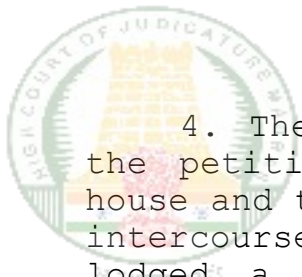
for bail in Crime No.5 of 2019 on the file of the Respondent Police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 5(l)r/w.6 of POCSO Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is aged about 21 years and the victim girl is aged about 17 years and they are residing in opposite houses and both of them fell in love and since the victim girl's father does not like the said love and instigated the victim girl to give a false complaint against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 26.06.2019 and he is in custody for the past 43 days. He further submitted that by this time a major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner and the victim girl are residing in the opposite house and they loved each other and the petitioner herein had sexual intercourse with the victim girl and made her pregnant and hence she lodged a complaint against the petitioner. Based on the said complaint First Information Report has been registered against the petitioner and the petitioner was arrested on 26.06.2019 and remanded to judicial custody. He further submitted that during investigation the victim girl was sent to medical examination and the medical report shows that the victim girl was subjected to sexual abuse. He further submitted that the victim gave statement under section 164 Cr.P.C before the learned Judicial Magistrate reiterating the contents made in the complaint . He further submitted that investigation is not yet completed and hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the victim girl gave statement under Section 164 Cr.P.C before the learned Judicial Magistrate stating that the petitioner had sexual intercourse several times with her and made her pregnant and also the fact that the medical report shows that she was subjected to sexual abuse, this Court is of the view that the petitioner has not made out a case for getting bail.

6. Hence this petition is dismissed.

sd/-

08/08/2019

/ 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, KOVILPATTI,
THOOTHUKUDI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10735 of 2019

Date : 08/08/2019

TK/VR/SAR.4/14.08.2019/2P/4C