



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1734 of 2020

Thangaiya Thavamani @ Gnanadurai ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
(Crime No.20 of 2019) ... Respondent/Complainant

For Petitioner : M/s.N.Ramesh Arumugam,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Bail in Crime No.20 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 31.12.2019 for the offences punishable under sections 7 and 8 of POCSO Act, in Crime No.20 of 2019 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the petitioner who is 60 years old committed the offence in question with a five years old child. The complaint has been given by the mother of the victim. The victim was examined by the Magistrate under Section 164 of Cr.P.C., and the victim, in her language, had communicated what had happened to her.



4.Considering the serious allegation made against the petitioner and taking note of the fact that the victim is a five years old child, I am not inclined to grant bail. Hence, bail is dismissed. The respondent is directed to file final report within 10 days from the date of receipt of a copy of this order. The final report shall be filed in complete shape. The jurisdictional Court will take cognizance of the offence without any delay. The Act mandates that the victim should be examined within one month from the date of taking cognizance. The petitioner will be at liberty to move bail petition only after the chief and cross examination of the victim is over.

5.With this direction, this criminal original petition stands dismissed.

sd/-

03/02/2020

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

TO

1. THE SPECIAL JUDGE FOR EXCLUSIVE TRAIL OF
CASES UNDER POCSO ACT AT THOOTHUKUDI.
2. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
PERURANI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1734 of 2020

Date :03/02/2020

MS/PN/SAR-2/06.02.2020/2P.5C