



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . No.4251 of 2020

Sankar @ Sankar Ganesh,

... Petitioner/ Sole Accused

Vs

State, represented by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District
(Crime No.3/2020)

... Respondent/Complainant

For Petitioner : Mr.K.Gokul,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

for bail in Crime No. 3 of 2020 on the file of the respondent police

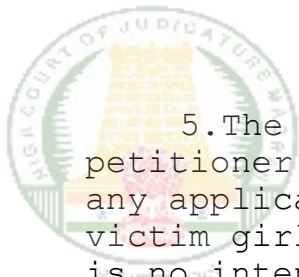
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.This petition has been filed by the petitioner seeking for bail for the alleged offences under Sections 417 and 366(A) of IPC.

3.The trial Court has dismissed the bail petition on the ground that the victim girl is below 18 years and provision of POCSO Act is also attracted. Whereas, the FIR does not reflect the offences made out under POCSO Act.

4.Today, the learned Additional Public Prosecutor appearing for the respondent Police submitted that the respondent police has filed birth certificate of the victim girl, which indicates that the victim girl was born on 30.07.2002 and the alleged incident has taken place on 11.02.2020.



WEB COPY

5.The contention of the learned counsel appearing for the petitioner is that as of now, the respondent police has not filed any application for alteration of Section and further more, the victim girl has voluntarily gone with the accused person and there is no intention of kidnapping or committing any offence, which will not attract the provisions of POCSO Act.

6.In view of the above, this Court is not inclined to entertain this petition at this stage, since investigation is at an initial stage. Hence, this criminal original petition stands dismissed.

sd/-
06/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUPERINTENDENT,
THE CENTRAL JAIL,
PALAYAMKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.GOKUL, Advocate (SR-4937[I] dated 06/03/2020)

ORDER
IN
CRL OP(MD) No.4251 of 2020
Date :06/03/2020