



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

Wednesday, the Twenty Second day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5267 of 2020

1.Kaviyarasan

2.Arunkumar

3.Aakash

... PETITIONER / ACCUSED Nos.2 to 4

Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.378 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KANNAN, Advocate

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

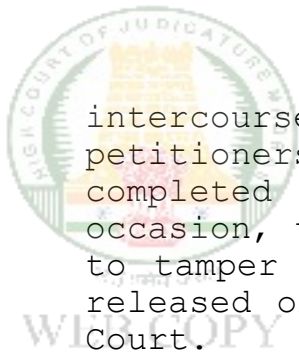
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as A2 to A4, who were arrested on 11.10.2019 and remanded to judicial custody on 12.10.2019 for the alleged offences punishable under Sections 342, 354(c), 366(A), 376 (3) and 509 of IPC and Sections 6, 12 and 14(1) of the Protection of Children from Sexual Offences Act, 2012 and Sections 67(A) and (B) of the Information Technology Act, 2000, in Crime No.378 of 2019, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that all the accused show the nude photo to the victim and had a sexual intercourse with the victim separately on different occasions.

3.The learned counsel appearing for the petitioners submitted that the main allegation is only against A1, who has taken the nude photo of victim and threatened her and also had a sexual



intercourse with the victim and there is no overt act against these petitioners. He further submitted that investigation has been completed and charge sheet is yet to be filed and on an earlier occasion, the petitioners have not indulged any offence or attempted to tamper with any witness or evidence and therefore, if they are released on bail, they will abide by any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the State submitted that the victim girl is aged about 14 years and all the accused show the nude photo to the victim and had a sexual intercourse with the victim separately on different occasions. Therefore, the victim girl informed her mother and lodged a complaint against the petitioners and A1. Pursuant to which, a case has been registered against them. The age of the victim girl is 14 and she is studying IX standard and if the petitioners are granted bail, they will not co-operate with the investigation and they will tamper with the witness and hamper the investigation.

5. I have heard both sides and perused the records.

6.Though the learned counsel appearing for the petitioners submitted that A1 is the prime accused, on reading of the entire materials all the petitioners threatened the victim girl and on showing the nude photos to the victim and had a sexual intercourse with her. Therefore, considering the age of the victim girl, this Court had already cancelled the bail granted by the Sessions Court and also directed to arrest all the accused and subsequently, there is no change of circumstances. If the petitioners are granted bail, they will tamper with the witness and hamper the investigation and there specific overtact against the petitioners. The cell phones of the petitioners were seized and sent it for expert opinion and awaits for report.

7.Considering the gravity of the offence and also considering the age of the victim girl, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, this petition is dismissed.

sd/-
22/04/2020

/ TRUE COPY /

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

Note: This order copy may be treated as true copy

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

2 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5267 of 2020

Date :22/04/2020

SDS/SKN/SAR-2 (24.04.2020) 3P-4C