



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

Date : 28/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5485 of 2020

MURUGAN

... PETITIONER/ACCUSED NO.2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KUMBAKONAM,
CRIME.NO.03 OF 2020.

... RESPONDENT/DEJURI COMPLAINANT

For Petitioner : M/s.R.Prakash,
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. 03 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.The petitioner is arrayed as accused No.2. He was arrested and remanded to Judicial Custody on 07.04.2020 for the offences punishable under sections 5(J)(ii), 5L, 5N, &6 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.03 of 2020 on the file of the respondent police. He seeks bail.

3.The petitioner herein been arrested by the respondent police for the alleged offence under sections 5(J)(ii), 5L, 5N, &6 of the Protection of Child from Sexual Offences Act, 2012. The victim girl, who is aged about 15 years old, was impregnated and was taken to hospital. On enquiry, she has first indicated one Senthil for the cause of her pregnancy. Later it has now come to light that the said Senthil, is the relative of the victim girl and the petitioner is the father of the victim girl has also been involved



in sexual relationship with her. The fetus has been preserved. The prosecution has taken all steps to get the DNA test results, which will indicate, who was the cause for the pregnancy of the minor girl.

4.The learned counsel for the petitioner would submit that the petitioner roped in belatedly. His name was not found in FIR. The victim girl not disclosed his name at the first instance.

5.The learned Additional Public Prosecutor would submit that the name of the petitioner was not disclosed by the victim girl due to the father and daughter relationship. However, detailed investigation done by the respondent police has revealed the crime committed by the petitioner. Due to COVID-19, the respondent police is not in a position to get DNA test results. If the petitioner released on bail, taking advantage of his relationship with the victim girl, there is a possibility to tamper the witnesses and also further recurrence of the same crime, since the victim and the accused are living under the same roof.

6.Recording the objection raised by the learned Additional Public Prosecutor, this criminal original petition is dismissed.

sd/-
28/05/2020

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

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KUMBAKONAM.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5485 of 2020
Date :28/05/2020

GNS
JM/PN/SAR 3/29.05.2020/2P/4C