



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10075 of 2020

M.Praveen Kumar

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Paramakudi, Ramanathapuram District.
(Crime No.11 of 2020).

... Respondent/Complainant

For Petitioner : M/s.T.Thirumurugan,
Advocate.

For Respondent : Mr.R.Erottusamy,
Government Advocate (Crl.Side)

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

PRAYER :-

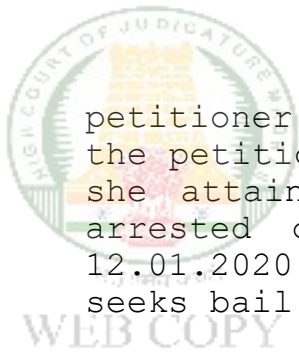
For a Bail in Crime No.11 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.08.2020 for the offences punishable under Sections 366(A) of IPC , 5(j)(ii), 6 and 17 of POCSO Act.

2. The victim in this case is aged about 16 years. The case of the prosecution is that on 12.01.2020 the birthday of the victim girl was celebrated and A2 called her to her house and the victim was provided with piece of cake. After taking cake she felt unconscious. Thereafter the petitioner had sexual intercourse with her with the help of the second accused. Thereafter the victim got pregnant and lodged a complaint.

3. The learned counsel for the petitioner would submit that the petitioner fell in love with the victim girl and on promise of marrying her had sexual relationship with her. Now the father of the



petitioner has filed an affidavit before this Court stating that the petitioner is ready and willing to marry the victim girl after she attains majority. Further he stated that the petitioner was arrested on 16.08.2020 for the occurrence that took place on 12.01.2020 and the complaint was lodged on 14.08.2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that on the date of birthday function of the victim she was called by A2 and provided with cake. After taking piece of cake she felt unconscious and thereafter the petitioner said to have committed rape on her and there is no love affair with the victim girl. Further the victim girl is aged about 16 years. Hence he opposed to grant bail to the petitioner.

5. It is seen that on the date of birthday function of the victim she was called by A2 and provided with cake. After taking piece of cake she felt unconscious and thereafter the petitioner said to have committed rape on her with the help of A2 and the victim got pregnant. After realizing the pregnancy she came to understand that she was raped by the petitioner herein and lodged a complaint. Though the father of the petitioner has filed an affidavit before this Court stating that the petitioner is ready and willing to marry the victim girl after she attains majority, the allegation in the First Information Report is that after administering some medicine to the victim girl, the petitioner committed rape on her. Hence this Court is not inclined to consider the affidavit filed by the father of the petitioner, since the petitioner had committed the offence in a well planned manner.

6. Taking into consideration the facts of the above and the very heinous offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

7. In the result, this petition stands dismissed.

sd/-
05/10/2020

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/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

- 1 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10075 of 2020
Date :05/10/2020

AAV
AE/SMA/SAR-I (07.10.2020) 3P 4C