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

Date : 02/11/2020

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

CRL OP(MD). No.12147 of 2020

A.Jamal Mydeen ... Petitioner/Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Pappakudi Police Station,
Tirunelveli District.
(Crime No. 262 of 2020). ... Respondent/Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram,
Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-
For a Bail in Crime No.262 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under Section Girl Missing @ Sections 376 of IPC and Section 5(L)(n)r/w. Section 6 of POCSO Act, 2012 on the file of the respondent police seeks bail.

2.The defacto complainant in this case is the father of the victim. The case of the prosecution is that on 30.07.2020 at about 3.00a.m., the defacto complainant found her daughter missing and gave a complaint before the respondent police and the respondent police also registered a case under girl missing. It is further alleged that o n 03.08.2020 the victim girl came along with her parents the police station and stated that he had acquaintance with the petitioner herein and had physical relationship with him and on 30.07.2020 at about 1.00 pm., the petitioner came to the house of the victim and both of them went to Nagercoil and stayed there for

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four days and thereafter the petitioner left the victim in her house. Hence the case was altered to Sections 5(L)(n)r/w.Section 6 of POCSO Act, 2012

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been robed in this case without any substantial evidence. The petitioner being a relative of the victim due to wreck vengeance a false case has been foisted against the petitioner.

4. The learned Government Advocate(Crl.Side) produced the statement of the victim girl recorded under Section 164 Cr.P.C, wherein she had clearly stated that the petitioner had sexual assault on the victim. He would also submit that the petitioner is none other than the son of her paternal uncle.

5. It is seen that the victim girl is aged about 17 years. The petitioner being the paternal uncle son had sexual assault on the victim girl on several occasions. When the father of the victim girl went for some work, utilizing the said circumstance the petitioner had sexual intercourse with the victim on several occasions.

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

7. Hence the petition stands dismissed.

sd/-
02/11/2020

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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 SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT,

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2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.12147 of 2020
Date :02/11/2020

aav
PK/JC/SAR-II/04.11.2020 : 3P/4C

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