



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

Date : 02/11/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.12094 of 2020

Jegan @ Ravi

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.
in Crime No.19 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Aathiyan,
Advocate.

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

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

PRAYER :-For Bail in Crime No. 19 of 2020 on the Respondent of police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 26.07.2020 for the offences punishable under Sections 366 of IPC and Section 5(1) and 6 of POCSO Act on the file of the respondent police seeks bail.

2. The petitioner herein is a married person and the victim is aged about 17 years. The case of the prosecution is that the petitioner herein fell in love with the victim girl and the kidnapped the victim girl without her consent and had physical relationship with her, due to which she became pregnant and subsequently aborted the same. Hence the complaint.

3.The learned counsel for the petitioner would submit that though the petitioner is a married man , the victim girl only fell in love with him and only at her request he had physical relationship with her. He further submit that the petitioner was in jail for more than 85 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that on the pretext of marrying the victim the petitioner herein had physical relationship with the victim and thereafter refused to marry her. He also produced the statement given by the victim recorded under Section 164 of Cr.P.C, wherein she has clearly stated that the petitioner herein is a married man and after kidnapping the victim she was taken to house of the sister-in-law of the petitioner and only at her instigation he had physical relationship with her, due to which she became pregnant and subsequently aborted the same. Hence he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner's sister-in-law also involved in the offence and on her instigation only the petitioner had physical relationship with her. The petitioner has committed a very heinous offence against the victim girl aged about 17 years.

6. Taking into consideration the fact of the case and also taking into offence committed by the petitioner against the women, this Court is not inclined to grant bail to the petitioner.

7. Hence, this petition stands dismissed.

sd/-

02/11/2020

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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 PRISON, PALAYAMKOTTAI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI, KANYAKUMARI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.12094 of 2020

Date :02/11/2020

AAV

AE/JC/SAR-IV (04.11.2020) 2P 4C

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