



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13747 of 2020

Chinnachamy @ Thavamani

... Petitioner/Sole Accused

Vs

The State rep. by
The Sub-Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
Crime No. 7 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Balakarthick,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.7 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is a sole accused who was arrested and remanded to judicial custody on 11.10.2020 for the offences punishable under Sections 366(A), 506(i) of IPC r/w Section 5(1), 5(n) and 6 of Protection of Children from Sexual Offences Act, 2012.

2.The case of the prosecution is that the victim girl who is aged about 16 years was taken by the accused to a hut belongs to him and had sexual assault on the victim girl. The petitioner is none other than own maternal uncle of the victim girl and thereafter, the petitioner has taken the victim under his custody and had sexual assault on her. When the petitioner came out for her natural call, the victim girl left from the custody of the petitioner and went to her house and lodged the present complaint.



3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioner would submit that the petitioner is a close relative of the victim girl. Due to previous enmity between them, the false complaint has been foisted against him and he has nothing to do as alleged by the prosecution. He would further submit that, according to the prosecution, the victim herself returned to her home and she only voluntarily came to the place and stayed with him. He would also submit that the petitioner was arrested and remanded into judicial custody on 11.10.2020. Hence, he seeks bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police produced the statement of the victim girl under Section 163(3) of Cr.P.C. He would further submit that the victim girl is none other than brother's daughter of the accused and he had taken the victim girl to his hut and kept her for two days. Therefore, he committed sexual assault on victim girl on several times and when the petitioner went for natural call she escaped from the illegal custody of the petitioner and went to her house.

6. It is seen from the records that the petitioner is a sole accused and the victim is girl, who is aged about 16 year and she is none other than the brother's daughter of the petitioner. She was kidnapped by the petitioner and kept her illegal custody and had sexual assault on several occasions. After two days, she was escaped from the place and went to her home and lodged the present complaint. Therefore, the petitioner is being maternal uncle of the victim girl who is aged about 47 years committed serious and heinous offence. On perusal of the statement of the victim girl under Section 164(3) of Cr.P.C., it is also revealed that the petitioner had sexual assault on the victim girl on several occasions on two days. Therefore, this Court is not inclined to grant bail.

7. Accordingly, the Criminal Original Petition stands dismissed.
sd/-

02/12/2020

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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



TO

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

ORDER
IN
CRL OP(MD) No.13747 of 2020
Date :02/12/2020

KSA
SRS/SMA/SAR-IV/09.12.2020/3P/4C