



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2020

PRESENT

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

CRL OP(MD) . No.14073 of 2020

Sudhakar ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
Crime No. 1166 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu,
Advocate.

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

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

PRAYER :-

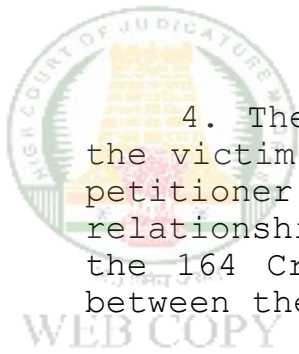
For Bail in Crime No.1166 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused , who was arrested and remanded to judicial custody on 19.10.2020 for the offences punishable under Sections 366(A) of IPC r/w.Sections 6,5(1) of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein abducted the minor victim girl aged about 15 years and on the pretext of false marriage had committed rape on her.

3.The learned counsel for the petitioner would submit that the victim girl fell in love with the victim girl and thereafter had physical relationship with her. Since their love affair was objected by the parents a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for more than 40 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that the victim girl was aged about 15 years and she was abducted by the petitioner and on the pretext of marriage he had physical relationship with her. He further submitted that the on perusal of the 164 Cr.P.C statement it is seen that there is no love affair between the petitioner and the victim girl.

5. It is seen that the petitioner is a sole accused and the minor victim girl is aged about 15 years and on the pretext of false marriage had raped the minor victim girl. It is also seen from the statement recorded under Section 164 of Cr.P.C that the victim girl never fell in love with the petitioner. Therefore the petitioner has committed a very serious and heinous offence against the minor victim, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
08/12/2020

/ TRUE COPY /

/ /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 PRISON, TRICHY.
- 2.THE INSPECTOR OF POLICE,
THIRUPPANANDAL POLICE STATION,
THANJAVUR DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14073 of 2020
Date :08/12/2020

AAV

AE/SMA/SAR-III (11.12.2020) 2P / 4C

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