



WEB COPY

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

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.14726 of 2020

Kumar @ Mathankumar

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.13/2020).

... Respondent/Complainant

For Petitioner : M/s.M.Senthil Ayyanar,
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.13/2020 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 21.09.2020 for the offences punishable under Sections 5(1) and 6 of POCSO Act on the file of the respondent police seeks bail.

2. The defacto complainant in this case is the mother of the victim girl who aged about 15 years. The case of the prosecution is that due to family situation the victim girl went to Jayavilas Mills for daily wages. The petitioner/accused was residing in the same village and he proposed his love to the victim girl, but the victim girl refused and intimated the same to her parents. Thereafter on 15.09.2020 when the minor victim girl was going to work, the



petitioner threatened her and took her to the forest area by a two wheeler and committed aggravated penetrative sexual assault with her many times and thereafter refused to marry her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he further stated that he had deep love with the victim girl and the victim also had same love with the petitioner and out of love and emotions the petitioner has committed the act even with the full consent of the victim. Even according to the case of prosecution they had intercourse several times. He would also submit that the petitioner is in jail for more than 70 days, hence he may be granted bail.

4. The learned Government Advocate(Criminal Side) would submit that the petitioner herein committed aggravated penetrative sexual assault on the victim aged about 15 years many times on the pretext of marriage and thereafter refused to marry her.

5. It is seen that the petitioner is a sole accused. From the perusal of the 164 Cr.P.C statement it is very clear that the petitioner has committed penetrative sexual assault on the minor victim girl. aged about 15 years several times in a single day. Therefore the petitioner had committed a very serious and heinous offence as against the minor victim girl aged about 15 years, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
14/12/2020

/ TRUE COPY /

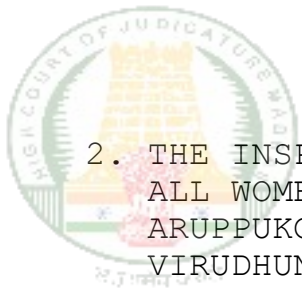
/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>



2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.14726 of 2020

Date :14/12/2020

AAV

SRS/SMA/SAR-IV/16.12.2020/3P/4C