



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2020

PRESENT

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

CRL OP(MD) . No.15335 of 2020

Neelavathi ... Petitioner/Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Paramakudi, Ramanathapuram District.
Crime No. 27 of 2020. ... Respondent/Complainant

For Petitioner : M/s.A.Arputharaj,
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.27 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.11.2020 for the offences punishable under Sections 344,366(A), 376(D) of IPC and Section 5(g),5(i)(5(l),6,16, 17 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that when the victim girl was standing in the bus stand due to some quarrel in her house the second accused had taken her other to the house of the first accused to get her a job. Thereafter all the accused persons connived together and the first accused compelled the victim and put her under threat , thereby all the accused persons have raped the minor victim girl aged about 17 years.

3.The learned counsel for the petitioner would submit that even according to the case of prosecution the alleged occurrence took



place in the house of the first accused and except this no other allegation has been levelled against the petitioner. In fact the second accused only took the victim to the first accused house and as such the petitioner is no way connected with the said crime.

4. The learned Government Advocate(Crl.Side) would submit that this is the second bail petition . He would also submit that when the victim girl was standing in the bus stand due to some quarrel in her house the second accused had taken her other to the house of the first accused to get her a job. Thereafter all the accused persons connived together and the first accused compelled the victim and put her under threat thereby all the accused persons have raped the minor victim girl aged about 17 years. Hence he opposed to grant bail to the petitioner.

5. It is seen that there are four accused in this case and the petitioner herein is arrayed as A1. When the victim was standing in the bus stand after quarrel in her house the second accused took the victim to the house of the first accused and thereafter the first accused compelled her to have sexual relationship on threat and thereafter A2 to A4 had made a sexual assault on her and committed a very serious and heinous offence against the minor victim girl. Only because of the petitioner/first accused all the accused persons have committed gang penetrative sexual assault on the minor victim girl.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no change in facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-

21/12/2020

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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 concerned.

TO

1.THE OFFICER INCHARGE

<https://hcservices.tn.gov.in/WomenPrison>, MADURAI.



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15335 of 2020
Date :21/12/2020

AAV
AE/JC/SAR-II (22.12.2020) 3P / 4C