



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21680 of 2021

BALAMURUGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT
CR NO.462/2021

[RESPONDENT]

For Petitioner : M/S. P.ANBAZHAGAN Advocate

For Respondent : S.SUGENDRAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 03.09.2021 and remanded to judicial custody for the alleged offences punishable under Sections 376(2)(n) & 506(ii) of IPC and 5(1), 5(n) r/w 6 of POCSO Act, 2012, in Crime No.462 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the distance relative of the defacto complainant and he had forced the victim girl, sexual intercourse with her. Thereafter, the parents of the de-facto complainant had arranged marriage to the victim girl. At that time, the petitioner once again compelled the defacto complainant to come to sexual intercourse with him, otherwise, he will upload the obscene photos of the victim girl on the social media and also threatened her. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences by the prosecution and he has been falsely implicated in this case. He further submits that he has been in jail from 03.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner had forced the victim girl for sexual intercourse with her. He further submitted that 164 statement has also been recorded from the victim girl. He furthermore submitted that earlier, this Court has dismissed the bail petition in Crl.O.P.No.17837 of 2021 and this is the second bail application filed by the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the gravity of the offence committed by the petitioner and on perusal of the 164 statement reveals that serious allegations made against the petitioner and considering that earlier this Court has dismissed the bail petition and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

19/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to M/S. P.ANBAZHAGAN Advocate on payment of necessary charges

CRL OP.21680/2021

Date :19/11/2021

APN 29/11/2021