



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24217 of 2021

M.STEPHEN

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY
THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT
(CRIME NO.121/2021)

For Petitioner : M/S S.SELVA THIRUMURUGAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Government Advocate, (Crl.Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 08.04.2021 for the offence under Section 363, 366 of IPC and 5(1), 5(j), (ii) read with Section 6 of POCSO Act, in Crime No.121 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that the victim girl has complained of stomach pain and later she was 8 months old pregnancy, after enquired the victim girl, the petitioner/accused has kidnapped the victim girl and committed penetrative sexual assault on the victim girl at knife point, on various occasion. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submits that the petitioner has been suffering incarceration for more than 7 months from 08.04.2021. He would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is very familiar with the family of the victim girl and in such circumstances, if the petitioner is released on bail he would tamper the witnesses and likely to abscond and DNA report is yet to be completed.

5.Considering the above facts and circumstances of the case, the petitioner is the victim girl's sister's husband, if he released on bail, he may tamper the evidence and as such, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

17/12/2021

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 SUPERINTENDENT,
CENTRAL PRISON, SALEM.

2 THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT .

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.SELVA THIRUMURUGAN Advocate on payment of necessary charges

CRL OP.24217/2021

Date :17/12/2021

RW 29/12/2021