



WEB COPY

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

Date : 12/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3802 of 2021

Selvam ... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Allinagaram Police Station,
Theni, Theni District.
Crime No. 2429 of 2020.

... Respondent

For Petitioner : Mr.G.Vanjinathan,
Advocate.

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

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

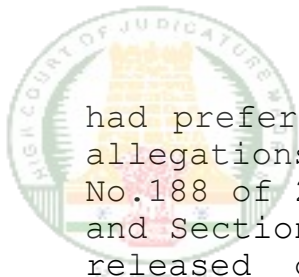
PRAYER :- For Bail in Crime No.2429 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 29.01.2021 for the offences punishable under Sections 354(D), 195A, 506(i) of IPC and Section 12 of POCSO Act, 2012 on the file of the respondent police seeks bail.

2. The case of prosecution is that the petitioner herein said to have committed penetrative sexual assault on the minor victim girl. Hence the complaint.

3. The learned counsel for the petitioner would submit that both the petitioner and the defacto complainant are close relatives and due to some family quarrel a false case has been foisted against the petitioner. He would also submit that the defacto complainant



had preferred a complaint against the first petitioner with false allegations and an First Information Report was registered in Crime No.188 of 2020 for offences under Sections 294(b), 366, 506(i) of IPC and Section 6 of POCSO Act, 2012 and the petitioner was arrested and released on bail. The present case has been registered on 21.10.2020 on the complaint given by the defacto complainant to the Mahila Court. He further submitted that the petitioner has also lodged complaint on 08.09.2020 before the Allinagaram Police Station against the defacto complainant's son and CSR was issued on 08.09.2020 and as a counter blast the present case has been filed. He would also submit that the petitioner is in judicial custody for more than 40 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner in this case is 29 years and a married man who had penetrative sexual assault on the minor victim not only on one occasion but on several occasions. Thereafter the complaint was lodged and the petitioner was arrested and later let out on bail. The victim stayed in her grand mother's house at G.Usilampatti and the petitioner was constantly sending messages harassing the victim. When the victim girl failed to pick up the phone call of the petitioner, the petitioner herein called her through other phone numbers and constantly harassing her. The petitioner and his family members are also harassing the victim and his family. Unable to bear the same, the defacto complainant has lodged complaint before the police but no action taken. Thereafter she had lodged complaint before the Mahila Court and as per the direction of the Court, the present case has been registered. The petitioner along with other accused had preferred anticipatory bail before this Court in Crl.O.P(MD) No. 12685 of 2020 and the same was dismissed by this Court on 10.11.2020 as against the petitioner. The petitioner again filed a petition for anticipatory bail on 21.12.2020 and the same was also dismissed, hence he opposed to grant bail to the petitioner.

5.It is seen that the petitioner is constantly harassing the victim and his family members and the First Information Report came to be registered as per the direction of the Mahila Court on the ground that the petitioner has violated the bail order of this Court. Further the respondent police has registered the case against the petitioner under Sections 195(A) of IPC for threatening the witness to give false evidence. In view of the same, this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-

12/03/2021

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/ /2021

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,
SUB JAIL, THEKKAMPATTI,
ANDIPATTI TALUK, THENI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3802 of 2021
Date :12/03/2021

aav
AE/SMA/SAR-II (17/03/2021) 3P / 4C