



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

Date : 19/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.4269 of 2021

Sivakumar

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
(Crime No.14 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar P,
Advocate.

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

Petition for Bail under Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.14 of 2020 on the file of the Respondent Police.

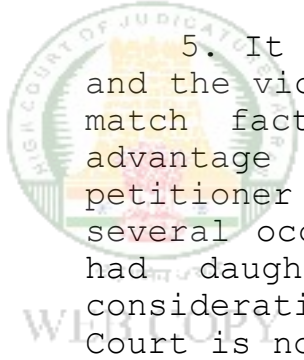
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 25.11.2020 for the offences punishable under Sections 363, 506(i) of IPC and Section 11(iv) r/w.12,15(1) r/w. 6 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein committed penetrative sexual assault on the minor victim girl aged about 16 years on several occasions. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner never committed any offence as alleged by the prosecution. He further submitted that the both the petitioner and the victim are known to each other inconection with their work. Further the victim has friendly relationship with the petitioner's daughter alone which has been falsely misconstrued by some persons. He would also submit that the petitioner is in jail from 25.11.2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein is aged about 40 years and the victim is aged about 16 years. The petitioner is a married man and having two daughters. Further the petitioner herein committed penetrative sexual assault on the victim on several occasions.



5. It is seen that the petitioner herein is aged about 40 years and the victim is aged about 16 years and they both are working in a match factory and got acquaintance with the petitioner taking advantage of the minor girl and her dominant position the petitioner herein had penetrative sexual assault on the victim on several occasions. Since the petitioner is aged about 40 years he had daughter who are elder than the victim. Taking into consideration the heinous act committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

6. At this juncture, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the petition.

7. In view of the same, this Criminal Original Petition is dismissed as withdrawn.

sd/-

19.03.2021

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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 Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Officer Incharge
Sub Jail
Uthamapalayam.

ORDER
IN
CRL OP (MD) No.4269 of 2021

Date : 19/03/2021

AAV

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

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