



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

Date : 21/04/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.5540 of 2021

Selvam

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C., Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Section 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 19.02.2021 for the offences punishable under Sections 354(D), 195A and 506(i) of IPC and Section 12 of POCSO Act, 2012, in Crime No.2429 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that earlier the defacto complainant has lodged a complaint and the same has been registered in Crime No.188 of 2020 for the offence under Sections 294(b), 506(i) and 366 of IPC and Section 6 of POCSO Act, against the petitioner, for the reason that the petitioner had committed penetrative sexual assault on the defacto complainant's daughter/victim minor girl. When the case is pending, the petitioner was let out on bail and he was constantly sending messages harassing the vicim minor girl and threatened the defacto complainant. Therefore, the complaint was given and this case in Crime No.2429 of 2020 was registered.

3.The learned counsel appearing for the petitioner submitted that both the petitioner and the defacto complainant are close relatives and due to some family dispute, the petitioner has been falsely implicated in this case. He further submitted that the



petitioner is in jail for the past 61 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police opposed this petition on the ground that when the previous case is pending against the petitioner, the petitioner and his family members have involved in this case.

5.This is the second application and there is no change of circumstances to entertain this application. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner along with his family members said to have threatened the victim girl and her family members and also the fact that the petitioner was sending messages and harassing her, this act cannot be encouraged by this Court and hence, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-

21/04/2021

/ TRUE COPY /

/ /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.
2. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.5540 of 2021

Date :21/04/2021

VSG

<https://hccs.csbj.in/Service/0.05.2021/2P/4C>