



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

Date : 23/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8148 of 2021

V.Ajayan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Tenkasi,
Tenkasi District.
Crime No.4/2021

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

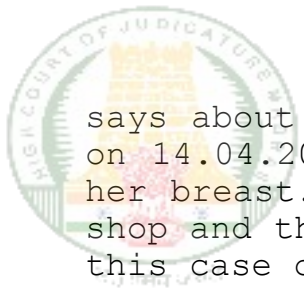
PRAYER :-

For Bail in Crime No.4 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 15.04.2021 for the offences punishable under Sections 376 of IPC and Sections 5(n), 6, 10, 9(n), 9(1) of POCSO Act, 2012 in Crime No.4 of 2021 on the file of the respondent police, seeks bail.

2. The victim girl is the daughter of the petitioner herein. The case of the prosecution is that on 30.03.2021 when the victim girl was in her house along with her brother, during lunch time, her father came to house and send his son to get Rs. 1000/- from his friend. At about 02.30 pm., the petitioner/ accused told the victim girl that he would teach her as to how the husband and wife should be. Then he caught hold of her shoulders and then her breast. He also removed her under wear and inserted his finger into her private part . Unable to bear the pain the victim pushed him down. Thereafter the accused threatened her by saying that if she



says about the incident to any body he would commit suicide. Again on 14.04.2021 at about 09.30 hrs the accused again caught hold of her breast. She protested. At that time her mother came back from shop and the victim informed about her both the incidents, therefore this case came to be registered.

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is innocent and infact the victim girl was in love with another boy and when the same was objected by the petitioner this false case has been registered against the petitioner. However, the learned counsel for the petitioner is not able to give the name of the boy with whom the victim girl is said to be in love with.

4. The learned Additional Public Prosecutor opposed the bail petition on the ground that this is the serious offence committed by the petitioner. The father tried to mis-behave with her own daughter. He would further submit that the investigation is not yet completed. He would also submit that four previous cases are pending against the petitioner, out of which one case is under Section 302 of IPC. he also produced the 164 Cr.P.C statement of the victim.

5. The facts narrated in the First Information Report and the statement of the victim girl recorded by the learned Judicial Magistrate, Tenkasi dated 19.04.2021 clearly reveals that the petitioner had committed aggravated sexual assault on her own minor daughter.

6. Taking note of the above facts and circumstances and also the fact that the investigation is not yet completed and also the fact that the offence committed by the petitioner is very serious and loathsome, this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-
23/06/2021

/ 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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TENKASI,
TENKASI DISTRICT.

2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8148 of 2021

Date : 23/06/2021

AAV

TK/VR/SAR.4/28.06.2021/3P/4C