



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

Date : 24/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8192 of 2021

Gopi

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police
Bodi Taluk Police Station
Theni District.
Crime No.381 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Sundar,
Advocate.

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

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

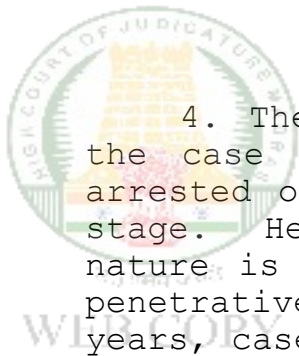
PRAYER :- For Bail in Crime No.381 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 03.06.2021 for the offences punishable under Sections 366(A), 506(i) of IPC and Section 5(1), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.381 of 2021 on the file of the respondent police, seeks bail.

2. The victim in this case is aged about 17 years and she was studying XII standard. On 27.05.2021 at about 10.30 hrs it was found that the victim girl who had gone out of the house had not returned. Later it came to know that the first accused had loured the victim girl, kidnapped her and when the relative of the victim questioned about the victim, other accused criminally intimidated them. Therefore the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.



4. The learned Additional Public Prosecutor would submit that the case was registered only on 30.05.2021 and the accused was arrested on 03.06.2021 and the investigation is at the preliminary stage. He would further submit that one previous case of similar nature is pending against the petitioner wherein he has committed penetrative sexual assault on a minor victim girl aged about 15 years, case in Crime No. 241 of 2016 for the offences under Sections 366(A) of IPC r/w Sections 3 and 4 of POCSO Act is pending. Hence he opposed to grant bail to the petitioner.

5. In reply to the same, the learned counsel for the petitioner submitted that the case in Crime No. 241 of 2016 was taken cognizance in S.C. No.77 of 2016 and after full fledged trial the case ended in acquittal on 30.11.2020.

6. Be that as it may, the fact remains that the petitioner was charged in two cases for committing sexual offences against minor victim girls and ended in acquittal. As submitted by the learned Additional Public Prosecutor the present case has been registered on 30.05.2021 and the accused was arrested only on 03.06.2021. Investigation is at the preliminary stage, therefore this Court is not inclined to grant bail to the petitioner.

7. Hence the petition stands dismissed.

sd/-
24/06/2021

/ 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
BODI TALUK POLICE STATION, THENI DISTRICT.
- 2 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8192 of 2021
Date : 24/06/2021

AAV

<https://hdcvices.courts.gov.in/cases/MS/JC/9A/Bv.4/1/2021/2P.4C>