



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8760 of 2021

Suresh

... Petitioner/Sole Accused

Vs

The State
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District,
Crime No. 6/2021.

... Respondent/Complainant

For Petitioner : Mr.Karuppasamy Pandian.M.,
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.6/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 03.06.2021 for the offences punishable under Sections 9(1)(n) and 10 of POCSO Act 2012 and 352 of IPC in Crime No.06 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant has two children namely Thirupathukumar aged about 17 years and the Viswasroobini aged about 16 years. Viswaroobini studying 10th standard. The case of the prosecution is that the defacto complainant's husband used to give sexual torture to her daughter Viswasroobini/victim. Since two months prior from the date of complaint during night hours the accused used to place his legs on the victim girl and probe her body. He also touched her breast, private parts and gave sexual torture. The defacto complainant asked him why he was doing like that to her daughter. Due to which there was a fight and after that the defacto complainant along with her daughter left her house



and stayed in her sister's house. On 21.05.2021 husband of the defacto complainant came there and told that he has found a wealthy bridegroom for her daughter. When they refused to go with him he had beaten the victim/Viswasroobini and also the sister of the defacto complainant who tried to intervene, 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. Infact it is his submission that the accused had given complaint against his wife for the reason that his wife was trying to give her daughter in marriage to a person when her daughter was a minor. He has also produced CSR receipt issued in CSR No.78 of 2021. He would further submit that the petitioner is in judicial custody from 03.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that *prima facie* materials available against the accused for prosecuting him in this case. The victim girl had given statement under Section 164 Cr.P.C about the sexual assault committed by the accused on her. He would also submit that the investigation is not yet completed, hence he opposed to grant bail to the petitioner.

5. Perusal of the 164 Cr.P.C statement clearly shows that the accused used to commit sexual assault on her daughter during night hours. On several occasions he touched her breast, held her between his legs and did other sexual acts. These incidents had happened even prior to lodging of complaint by the petitioner against his wife.

6. Taking note of all these factors and also the fact that the father alleged to have committed sexual assault on the victim, who is his own daughter and also the fact that the investigation is not yet completed and it is in nascent stage, this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-

05/07/2021

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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 INSPECTOR OF POLICE,
UTHAMAPALAYAM ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.

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

3. THE OFFICER INCHARGE,
SUB JAIL,
PERIYAKULAM,
THENI DISTRICT.

ORDER

IN

CRL OP(MD) No.8760 of 2021

Date :05/07/2021

AAV

TE/JC/SAR-II : 08/07/2021 : 3P/4C