



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8875 of 2021

Mahesh

... Petitioner/sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Marthandam,
Kanniyakumari District
Crime.No. 28 of 2021..

... Respondent/Complainant

For Petitioner : Mr.Narayanakumar K.P.,
Advocate.

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

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

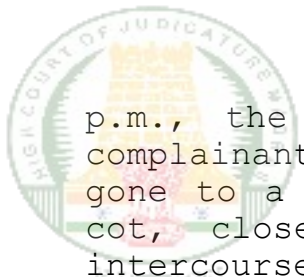
PRAYER :-

For Bail in Crime No.28 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 14.04.2021 for the offences punishable under Sections 5(n), 5(1) and 6 of POCSO Act and Section 506(i) of IPC in Crime No.28 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant was born on 19.02.2001. she was studying 12th standard. Her father died when she was studying 4th standard and her mother died when she was five months. She has one sister by name Aarthi and she was married 1 ½ years before the occurrence. Her mother's sister was married to one Mahesh and he was working as a photographer. He was fond of the defacto complainant and was affectionate towards her. He used to touch the body of the defacto complainant Initially she did not take it otherwise . On 05.05.2016 the family members had gone to attend a function. The defacto complainant was all alone in her house. At about 03.00



p.m., the petitioner came for lunch . He enquired the defacto complainant about others in the house. She told him that they had gone to a function. Then he took her forcibly , laid her in the cot, closed her mouth with cloth and had penetrative sexual intercourse with her. He also threatened her by saying that if she informs about this incident to any one he would kill her. Fearing her life she did not inform the same to any one. On 12.05.2016 and 22.10.2020 he again had penetrative sexual intercourse on the victim girl. Then she informed about the incident to her class teacher on 08.04.2021. Her class teacher informed the same to the child help line then 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. He would further submit that the petitioner is in judicial custody from 14.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not yet completed. He would further submit that victim is like the daughter of the defacto complainant. However without considering the relationship, age of the victim and her future the petitioner had committed penetrative sexual intercourse on her, hence he seeks dismissal of the petition.

5. The allegation against the petitioner is that he is uncle of the defacto complainant. The victim was under the care and custody of the petitioner and she is like a daughter to the him. Forgetting the sanctity of this relationship , unmindful of the fact that victim girl is minor girl he has ravished and spoiled her life. He has inflicted an indelible scar that can never be erased. This is a classic case of fence eating a crop. This is the heinous crime committed by the petitioner. Therefore this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
07/07/2021

/ 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



TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANNYAKUMARI 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.8875 of 2021

Date :07/07/2021

TK/MNR/SAR.5/13.07.2021/3P/4C