



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.10134 of 2021

Sakthivel ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Rajapalayam,
Virudhunagar District.
Crime No.10 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Pandiarajan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 06.06.2021 for the offences punishable under Sections 3(d) r/w.4 of POCSO Act, 2012 in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant daughter is eight years old and studying III standard. On 05.06.2021 at about 6.30 hrs she was talking with one Alagumuthu in Periyar nagar, at that time her daughter came there. She asked her to fetch charger from the house of Alagumuthu. Her daughter came after ten minutes and she was weeping. She asked her as to what had happened. Then she told that the accused Sakthivel had committed penetrative sexual assault on her. 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. He would further submit that the petitioner is in judicial custody from 06.06.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition for the reason that eight year old girl was sexually assaulted by indulging in aggravated penetrative sexual assault. He would further submit that the final report in this case has been filed before the concerned Court.

5. A reading of the 164 Cr.P.C statement shows that the accused after removing the victim's panties he used his tongue to commit penetrative sexual assault. As a result her hymen was torn.

6. This is the serious offence committed by the petitioner against the minor victim girl aged about eight years. Considering the nature of serious offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-
30/07/2021

/ 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 concerned.

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10134 of 2021
Date :30/07/2021

AAV
MK/SKN/SAR.I/04.08.2021/2P/4C

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