



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD).No.10189 of 2021

P.Gurusamy

... Petitioner/Sole-Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station
Tirumangalam Police Station,
Madurai District.

In Crime No. 08 of 2020

... Respondent/Complainant

For Petitioner : M/s.Vivek Kumar 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. 08 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 29.05.2020 for the offences punishable under Sections 5(m) and 6 of POCSO Act in Crime No.8 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim is the daughter of the defacto complainant aged about 7 years. The defacto complainant and her husband go to work at 9.00 am., in the morning and return home at 6.00 pm., in the evening. They would leave the children in the house of house owner. On 28.05.2020 they returned from work at about 06.00 p.m. and found their daughter/victim girl was sitting in the corner of the house. She told that at about 2.30 pm., the accused removed her dress and his dress and committed penetrative sexual assault. Therefore this 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 29.05.2020, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the petitioner has ravished the small girl aged about 7 years. He also submitted that the petitioner is not 65 years old but only 53 years old as per the certificate given by the doctor.

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5. It is seen from the narration of the events, in the First Information Report and the statement of the victim girl that the petitioner had committed penetrative sexual assault on the victim girl aged about 7 years.

6. This is the serious offence committed by the petitioner. It is also represented that final report has been filed before the concerned Court and the case is ripe for trial, hence this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed. However the trial Court is directed to dispose the case as early as possible preferably within a period of three months from the date of receipt of a copy of this order.

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 SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES, MADURAI
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE
AWPS - TIRUMANGALAM POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
5. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10189 of 2021
Date : 30/07/2021

AAV
RT/SKN/SAR-II/04.08.2021/2P/6C

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