



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

Date : 08/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15452 of 2021

WEB COPY

1. Kaliraj

2. Kathirvelpandian

... Petitioners/Accused No. 1&2

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District.
(Crime No.11 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J.,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.11 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 12.09.2021, for the offence punishable under Sections 10, 9(n), 12, 11(1), 18 of Protection of Children from Sexual Offences Act, 2012 and Section 506(i) of IPC, in Crime No.11 of 2021 on the file of the respondent Police, seek bail.

2. The defacto complainant is the mother of the victim girl, who is aged about 17 years and was studying 12th standard. The first petitioner is the own brother of the defacto complainant and the



second petitioner is the son of the first petitioner. Since the defacto complainant was suffering from Cancer, the first petitioner brought her to Trivandrum KIMS Hospital for treatment and after discharge from there, the defacto complainant was staying at the first petitioner's home along with the victim girl as they are relative. It is alleged that on 11.07.2021, at about 6 p.m., when the victim girl was in the bedroom, the second petitioner came there and pulled her hands and compelled her to love him by saying that he would marry her and touched her breast. It is further alleged that on 20.08.2021 at midnight 1'o clock, when the victim girl was sleeping in a room, the first petitioner came there, woke up her and had also committed sexual harassment. On knowing the same, the defacto complainant along with the victim girl left the residence of the petitioners and came to their house at Tenkasi. On 24.08.2021, at about 11 hrs., when the victim girl was standing near the school, where she was studying, the second petitioner came there and took the victim girl to the forest near Sudalai Temple and attempted to commit sexual assault. It is also alleged that when the above incident was informed by the defacto complainant to the first petitioner, he criminally intimidated her. Hence, the case.

3. The learned counsel for the petitioners submits that the second petitioner and the victim girl fell in love with each other. Since the defacto complainant and the petitioners are close relatives, the defacto complainant approached the first petitioner to arrange marriage for the victim girl with the second petitioner. Since the second petitioner is aged about 19 years, the first petitioner asked the defacto complainant to wait for two years. He further submits that though the FIR has been registered on 08.09.2021, medical examination is not yet conducted to the second petitioner and the victim girl and statement under Section 164 Cr.P.C. is not yet recorded. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the statement under Section 164 Cr.P.C. is yet to be recorded. But, the statement of the defacto complainant and the victim girl under Section 161(3) Cr.P.C. have been recorded.

5. This Court paid its anxious consideration to the submissions made herein and perused the materials available on record.

6. In this case, the defacto complainant, who is the mother of the victim girl and sister of the first petitioner, is a cancer patient. Since she is a divorcee, she and her daughter (victim girl) depend upon the first petitioner. Taking advantage of their status, the petitioners misbehaved with the victim girl.

6. Considering the gravity of offence and the conduct of the petitioners, this Court is not inclined to grant bail to the



petitioners.

7. In the result, the Criminal Original Petition is dismissed.
sd/-

08/10/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.
2. The Inspector of Police,
All Women Police Station, Tenkasi,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15452 of 2021

Date : 08/10/2021

RD/SKN/SAR-II (26.10.2021) 3P 4C