



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

Date : 23/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17104 of 2021

Gurusamy,

... Petitioner/Accused

Vs

State Rep by,
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
Cr.No.14 of 2021.

... Respondent/Complainant

For Petitioner : MR.P.Krishnasamy P,Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.14 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 04.09.2021 for the offences punishable under Sections 363 and 506(i) I.P.C., and Section 7 r/w 8, 5(1) r/w 6 of the Protection of Children from Sexual Offence Act, 2012 in Crime NO.14 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution that the victim girl is aged about 15 years and the petitioner/accused is aged about 36 years and he had committed aggravated penetrative sexual assault against the victim girl. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is under judicial custody from 04.09.2021 and hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is residing in a nearby house of the victim girl, that the petitioner had committed aggravated penetrative sexual assault on the victim girl so many times, that the statement recorded under Section 164 Cr.P.C., from the victim girl would only reveal that the petitioner had committed penetrative sexual assault and that therefore, they are having serious objection to release the petitioner on bail.



5. The learned Additional Public Prosecutor would further submit that the investigation in this case has already been completed and a charge sheet has also been filed and the case was taken on file in Spl.S.C.No.68 of 2021, on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Virudhunagar District at Srivilliputtur.

6. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

7. Considering the seriousness and the gravity of the offences alleged and considering the age of the victim girl and also the fact that the petitioner is a married person aged about 36 years and considering the statement of the victim girl recorded under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner at this point of time.

sd/-
23/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSL

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

ORDER
IN
CRL OP(MD) No.17104 of 2021
Date :23/11/2021