



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

Date : 09/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.17291 of 2021

P.Marichamy ... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Cr.No. 240 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy.D,
Advocate.

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

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

PRAYER :-

For Bail in Cr.No.240 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 15.09.2021 for the offences punishable under Section Non act Girl Missing @ into Sections 363, 376(ii) of IPC and Sections 5(I) and 6 of POCSO Act, 2012 in Crime No.240 of 2021 on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner kidnapped the victim girl and also had sexual assault repeatedly against the victim girl.

3.The learned counsel appearing for the petitioner would submit that the petitioner never committed any offence as alleged by the prosecution. The petitioner and the victim girl loved each other and they are intending to marry. On knowing the same, the victim's mother gave a false complaint against the petitioner. He would further submit that the petitioner is in judicial custody from 15.09.2021. Hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the petitioner by promising to marry the minor victim girl, who was studying 9th standard, had physical relationship with her. He would submit that the victim girl is aged about 14 years and the petitioner is aged about 21 years and the statement of the victim girl was recorded under Section 164 Cr.P.C. He would further submit that the investigation is yet to be completed.

5.It is the specific case of the prosecution that the victim is aged about 14 years and the accused is aged about 21 years. Considering the seriousness and gravity of the offence alleged and also the facts that the petitioner is in judicial custody from 15.09.2021 and that the investigation is yet to be completed, as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner at that point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

09/11/2021

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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 OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
SEITHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17291 of 2021

Date :09/11/2021

SJI

SS/JM/SAR-I/12.11.2021 : 2P/4C

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