



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17353 of 2021

Vikneswaran @ Vicky

... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.66 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Indrachithu,T., Advocate

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.66 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 06.02.2021 for the offence punishable under Sections 3, 4, 13, 15 of POCSO Act, 2012 @ 5(j)(iv), 6, 13, 14(ii) of POCSO Act, 2010 and 305 IPC and Section 66 E, 67 (B)(b) IT Act, 2000, in Crime No.66 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner by giving false promise to marry the defacto complainant's daughter, who is aged about 17 years, had sexual intercourse with her. The petitioner had also videographed the same in his mobile and threatened her. Therefore, the victim humiliated and poured kerosene on her and set fire and also died on 05.02.2021. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that only on suspicions, he has been arrested. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the accused by making aggravated sexual assault and videographed the same and that thereafter, he had forwarded the same to his friends and that subsequently, on coming to know about the same, the victim girl had set fire on herself.

5.This Court vide order, dated 10.11.2021, directed the Registry to call for a report from the Special Court (POSCO Act cases), Virudhunagar, regarding the status of the case and as to whether the accused had engaged an Advocate or not.

6.The learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Srivilliputhur, Virudhunagar District, has submitted a letter, dated 15.11.2021, wherein, he has stated that the case was posted for engaging an Advocate from 28.09.2021, that the memo of appearance of Advocate Mr.S.Manoharan, is still remaining in force, but at request of the accused, the case has been adjourned for engaging a counsel and that the case is pending for framing of charges.

7.Considering the seriousness and gravity of the offence alleged and also the fact that the case is pending for framing of charges and on considering the objections raised by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner.

8.The learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Srivilliputhur, Virudhunagar District, is directed to proceed with the framing of charges and to conduct the trial and complete the same, as expeditiously as possible.

9.With the above direction, the Criminal Original Petition is disposed of.

Sd/-
22/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.UV)
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 EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, SRIVILLIPUTHU,
VIRUDHUNAGAR DISTRICT.
2. THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.17353 of 2021
Date : 22/11/2021

SP/VR/SAR IV/26/11/2021/3P/5C