



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

Date : 13/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19733 of 2021

Kali @ Kaliraj

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
(Crime No.18 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.K.Sankar, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side)

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

PRAYER :-

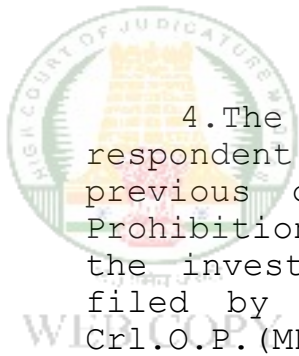
For Bail in Crime No. 18 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 23.10.2021 for the offence punishable under Section 8 r/w 7 of Protection of Children from Sexual Offence Act, 2012, in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the victim girl, who is aged about 17 and she was studying 12th standard at Madha Matriculation School, Karivalamvandanallur. On 22.10.2021, when the de-facto complainant and her husband had gone to shop for purchase grocery, the petitioner entered into her house and hugged and touched the victim girl with sexual intention. Hence, this 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 is in judicial custody from 23.10.2021 and hence, he seeks bail to the petitioner.



4.The learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioner is having three previous cases including one case registered under Tamil Nadu Prohibition of Harassment of Women Act. He would further submit that the investigation is not yet completed and the earlier petition filed by the petitioner was dismissed by this Court order in Crl.O.P.(MD)No.18710 of 2021 dated 29.11.2021.

5.Considering the facts and circumstances of the case and also the facts that the investigation is not yet completed, that the petitioner is having three previous cases including for the offence under the Tamil Nadu Prohibition of Harassment of Women Act and that there is no change of circumstances since the dismissal of the earlier petition, this Court is not inclined to grant bail to the petitioner.

6.In the result, this Criminal Original Petition is dismissed.

sd/-

13/12/2021

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/ /2021

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

CSM

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 INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARANKOVIL, TENKASI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19733 of 2021

Date :13/12/2021

PKP/JC/SAR-4/15.12.2021/4P/4C