



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 22/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)No.19827 of 2021

WEB COPY

Anantha Krishnan

: Petitioner/Sole Accused

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar,
(In Mallankinar Police Station)
(Crime No.126 of 2021)

: Respondent/Complainant

For Petitioner : Mr.G.Mariappan, Advocate
For Respondent : Mr.R.Meenakshisundaram
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.126 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused was arrested on 14/10/2021 and remanded to judicial custody for the alleged offences punishable under section 366 IPC and section 5(1) r/w 6 of POCSO Act, 2012, in Crime No.126 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused person had kidnapped the victim child to Thiruchendur and on the false promise of marrying her, had committed penetrative sexual assault in so many occasions.

3.The learned counsel appearing for the petitioner would submit that the victim girl as well as this petitioner were in love with each other and only at the instigation of the victim, this petitioner went along with her to Tiruchendur. Based upon the complaint given by the mother of the victim, a case was registered as 'Girl Missing' and later it was altered to 366 IPC and 5(1) r/w 6 of POCSO Act, 2012. To show that the victim girl and this petitioner were in love with each other, there was also whatsapp message, that has been exchanged between the victim and this petitioner.



4. On perusal of the above said whatsapp message shows that they were in love with each other and at the instance and invitation made by the victim, this petitioner taken her to Tiruchendur. Thereafter, the alleged occurrence of penetrative sexual assault has been made.

5. The learned Additional Public Prosecutor would submit that the age of the victim is stated to be on 19/10/2004 and the date of occurrence is 12/10/2021. So on the date of the occurrence, it appears that the victim girl was about 17 +. With regard to the penetrative sexual assault, the Additional Public Prosecution would submit that even as per the statement given by the victim under section 164 of Cr.P.C, she has stated that there was penetrative sexual assault, when they are staying in a lodge. This is the major allegation against this petitioner.

6. The entire CD file is produced. On perusal of the CD file, it is seen that the vaginal fluid of the victim has been taken and on examination, it revealed that there was no trace of semen. So whether there was actual penetrative sexual assault that has been committed upon the victim or not, is a matter for investigation and trial. Now the major portion of the investigation is also over and the final report has also made ready, on 15/12/2021. So no more custodial interrogation may be required.

7. In the light of the above said discussion and considering the duration of the custody of this petitioner, this court is inclined to enlarge the petitioner on bail.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, 2012, Srivilliputhur @ Virudhunagar District and on further condition that the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

sd/-
22/12/2021

/ TRUE COPY /

22/12/2021
Sub-Assistant Registrar (C.S.III)
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



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI,
VIRUDHUNAGAR.
(IN MALLANKINAR POLICE STATION).

3 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.

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

+ 1 CC TO MR.G.MARIAPPAN, ADVOCATE IN SR NO.9746

ORDER
IN
CRL OP(MD) No.19827 of 2021
Date :22/12/2021

RS/PN/SAR3(22.12.2021) 3P-5C