



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5878 of 2022

M.MAGESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ATC, CBCID,
EGMORE,
CHENNAI-08
(CRIME NO.3/2021)

[RESPONDENT]

For Petitioner : M/S R.POORNIMA Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 03.02.2022 for the alleged offences under Section 174 of Cr.PC @ 305, 366 (A), 376 (2) (a) of IPC and S.5(iii) (iv) r/w S.6 of POCSO Act, in Crime.No.3 of 2021 seeks bail.

2. The petitioner herein was arrested by the respondent police after transfer of investigation to CBCID in a case where originally registered as unnatural death under Section 174 altered to Sections 305, 366 (A), 376 (2) (a) of IPC and S.5(iii) (iv) r/w S.6 of POSCO Act.

3. The learned counsel for the petitioner reading the FIR, would submit that the cause for the suicide of the de-facto complainant's daughter is not the petitioner herein but the fight within the family in which the mother and the brother of the victim girl have scolded the victim for having affair with the petitioner.



4. However, the voice record retrieved from the mobile phone of the victim girl indicates that, just before the girl committed suicide she had contacted the petitioner. The petitioner has impregnated the victim girl and has refused to marry and forced her to abort the child.

5. The learned Additional Public Prosecutor appearing for the respondent submits that the investigation by the local police was not done properly which has prompted this Court to transfer the investigation to CBCID and only after CBCID took over the investigation, there is a progress in this case. She further submits that the petitioner herein who is in Police Department, if released on bail may tamper the evidence.

6. Recording the apprehension of the learned Additional Public Prosecutor and considering the transcript of the conversation between the victim and the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

14/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

2 THE INSPECTOR OF POLICE,
ATC, CBCID, EGMORE,
CHENNAI-08.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.POORNIMA Advocate on payment of necessary charges
SR.NO. 3910

CRL OP.5878/2022

Date :14/03/2022

RW 18/03/2022