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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.14624 of 2022

Prathish ... Petitioner

Vs.

State rep. by
The Inspector of Police,
Villianur Police Station,
Puducherry. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No. 95 of 2021 dated 20.04.2021 and charge sheet No. 134 of 2021 dated 16.06.2021, on the file of respondent police.

For Petitioner : Mr.R.Dilipkumar

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy.)
assisted by Mr. A. Alexandar

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2021 for the alleged offence under Sections 302, 201 of I.P.C. and Section 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 r/w Section 34 I.P.C. in Crime No.95 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that for the past three years, the accused was in love affair with the deceased and had sexual intercourse with her on several occasions. While so, few days before the occurrence, the accused came to know that the deceased loathed him and now she is in love with one Vicky. Hence, the accused planned to murder the deceased as such, he asked the deceased to come to his residence, wherein they had sexual intercourse and thereafter, he took her to the graveyard of Poraiyur Pet, wherein, he assaulted her

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with wooden log and beer bottle, as a result, she died. Thereafter, he tied the corpse of the deceased in a white colour woven sack and thrown near the wall of the said graveyard. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that this is the third petition praying for bail and the co-accused was released on bail. He would submit that investigation is almost completed and he is ready to comply with the condition imposed by this court. He would also submit that the charge sheet has been filed and three witnesses were also examined. He would further submit that he is in jail for nearly one year and prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is arrayed as A1, who had assaulted the victim and he had sexual intercourse and he is the main person for the death of victim. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that pending trial, if he is released on bail, he will abscond and drag on the matter, and also considering the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the Trial Court is directed to dispose of the case within a period of three months from the date of receipt of copy of this order.

-sd/-
30/06/2022

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

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

TO

1 THE INSPECTOR OF POLICE,
VILIANUR POLICE STATION,
PONDICHERRY DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

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3 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S.R.DILIPKUMAR Advocate on payment of necessary charges

CRL OP.14624/2022

Date :30/06/2022

JPA 06/07/2022

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