



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/01/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.338 of 2022

Raj Kumar ... Petitioner/Sole Accused
Vs

The state represented by
The Inspector of Police,
All Women Police Station, Virudhunagar,
Virudhunagar District.
Cr.No. 9 of 2021.. ... Respondent/Complainant

For Petitioner : M/s.Jothibas.M,
Advocate.
For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

PRAYER :-

For Bail in Crime No.9 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 12.08.2021 for the alleged offence under Sections 363 IPC and Sections 6, 7 r/w 8 of Protection of Children from Sexual Offences Act, 2012 in Crime No.09 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The victim girl is studying 9th standard in the Government Higher Secondary School, Mesalur, who is aged about 14 years. The petitioner and the defacto complainant family are close relatives and residing in the same street. On false promise that he would marry the victim girl, the petitioner kidnaped the victim girl and have sexual intercourse with her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The victim girl had love affair with the petitioner. Since the same was not liked by the defacto complainant, she gave the false complaint.

4.The learned Government Advocate (Crl. Side) submitted that the accused was arrested on 12.08.2021 and 164(3) statement of the



victim girl was also recorded. Now the case is pending trial before the Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar in Special S.C.No.61 of 2021.

5.It appears that the age of the victim girl is only 13 + years. It is serious offence. The bail application filed by the petitioner before the trail Court came to be dismissed on 17.11.2021 in Cr.M.P.No.997 of 2021 on the ground that it is a serious offence and considering the age of the victim girl.

6.Even though the petitioner is in custody ever since from the date of arrest, considering the age of the victim, this Court is of the view that if the petitioner is released on bail, there is a likelihood of absconding, tampering of evidences also. The petitioner is not entitled for bail. He has to face trial. However, he can approach the concerned Court during the course of trial, if any new ground arises.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

10/01/2022

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Sub-Assistant Registrar (C.S.)
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 INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.338 of 2022

Date :10/01/2022

SS/PN/SAR-IV/12.01.2022 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>