



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

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)No.70 of 2022

WEB COPY

Ragupathi ... Petitioner/Accused

Vs.

The State
Rep. By Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.159 of 2021) ... Respondent/Complainant

For Petitioner : Mr.M.Raja Ravi Varma, Advocate
For Respondent : Mr.SS.MADHAVAN,
Government Advocate

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

PRAYER :-

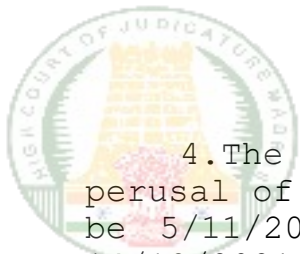
For Bail in Crime No.159 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as an accused was arrested on 03/12/2021 and remanded to judicial custody for the offences punishable under section 363 IPC and section 9 of Child Marriage Restraint Act, 2006 and section 5(1) r/w 6,7 read with 8 of POCSO Act, 2012, in Crime No.159 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused person on the pretext of love affair,kidnapped the victim child and had penetrative sexual assault.

3.Now the allegation against this petitioner is that on the pretext of love affairs the petitioner kidnapped the victim girl and had sexual intercourse with her. The family of the victim and this petitioner are very close relatives. So because of the above said relationship, both the victim girl and this petitioner fell in love and without proper enquiry, this case has been registered. The bail application that was filed before the trial court came to be dismissed on 22/12/2021 in Cr.MP No.1128 of 2021 stating that there was mis-representation on the part of the petitioner and the victim girl that both of them are husband and wife.



4.The entire CD file has been called for and perused. On perusal of the CD file, the date of birth of the victim is stated to be 5/11/2005. On the date of the alleged occurrence namely on 14/10/2021, she was aged about 16 years and one month. So the contention on the part of the petitioner that there was love affair between them cannot be taken into account.

5.The statement of the victim girl shows that she was enticed and midway he tied thali around the neck. She was taken to her parental home of the petitioner and a misrepresentation was made that she was married him on the basis of the false promise of keeping her in good condition. So after committing the penetrative sexual assault by this petitioner, later there was no contact from this petitioner. Later she was taken to her parental home and left in the street and this petitioner went away. On enquiry by the parents, she disclosed the above affairs. A reading of the statement of the victim girl shows that false promise this petitioner appears to be committed the sexual assault on the victim. She has been left in the street without informing the parents. The conduct of the petitioner shows that if he is released on bail, there is every likelihood of tampering the evidence.

6.So this is not a fittest case to release the petitioner on bail, and accordingly, this petition is liable to be dismissed.

7.In fine, this criminal original petition is **dismissed**.

sd/-

10/01/2022

/ TRUE COPY /

/ /2022

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
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2 THE OFFICER INCHARGE,
SUB JAIL,
VIRUDHUNAGAR.

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



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

WEB COPY

ORDER
IN
CRL OP(MD) No.70 of 2022
Date :10/01/2022

SS/VR/SAR-I/19.01.2022 : 3P/4C