



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD). No.217 of 2022

WEB COPY

Thakkarai Peer Mohamed

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli District.
Cr.No.19/2021.

... Respondent/Complainant

For Petitioner : M/s.Mohanasundaram.R.,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

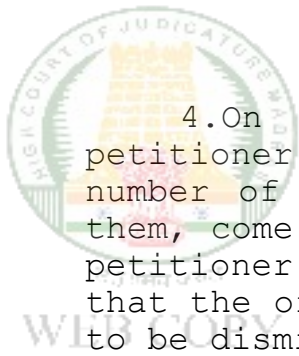
For Bail in Crime No.19 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 07.12.2021 for the alleged offence under Sections 11(1) and 12 of POCSO Act, 2012, in Crime No.19 of 2021, on the file of the respondent police, seeks bail.

2.The offence against the petitioner is that he sent abusive message to the defacto complainant through whats app. A case was registered against the petitioner under Sections 11(1) and 12 of POCSO Act, 2012, in Crime No.19 of 2021 and he filed a petition for bail, in Crl.M.P.No.2134 of 2021, before the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli. That petition was dismissed by the Special Court. Against the same, the petitioner filed this petition.

3.On the side of the petitioner, it is stated that the petitioner is studying in Diploma course at SCAD Engineering College, Cheranmahadevi, Tirunelveli District. The petitioner never sent any abusive messages to the victim girl. The alleged occurrence is said to have been taken place on 30.11.2021, but, the complaint was lodged on 07.12.2021 and he is in custody for the past one month and he has no bad antecedents and prayed the petitioner to be released on bail.



4. On the side of the respondent, it is stated that the petitioner sent abusive messages and committed sexual torture. The number of victims are approximately 30 to 31 girls. But none of them, come forward to co-operate with the police, due to fear of the petitioner. Only one of the girls came out to fight for justice and that the offence is against the Society and prayed that the petition to be dismissed.

5. The victim is a 8th standard student. The alleged offence is that the petitioner sent abusive messages and committed sexual torture to the victim, through whatsapp. Using technology for sexual torture is an offence against the Society, which is serious in nature. Considering the nature of the offence and considering the age of the victim girl, this Court is not inclined to release the petitioner on bail at the present stage. Hence, this petition is dismissed.

sd/-

06/01/2022

/ 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,
All Women Police Station,
Tirunelveli District.
2. The Superintendent,
Central Prison,
Palayamkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN

CRL OP(MD) No.217 of 2022

Date : 06/01/2022

RS/JC/SAR.2(19.01.2022) 2P-4C

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