



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) .No.617 of 2022

Muthusamy

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Uthamalai Police Station,
Uthumalai,
Tenkasi District.
(Crime No.354 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Palani Velayutham,S., Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

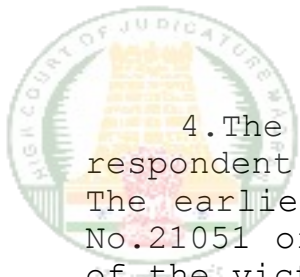
For Bail in Crime No.354 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 15.11.2021 for the offence punishable under Sections 366 and 323 of IPC., and Sections 7 & 8 of Protection of Children from Sexual Offences Act 2012, in Crime No.354 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 14 years. The petitioner is aged about 35 years. The petitioner abducted the victim girl in a car and committed sexual assault on her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him. He would further submit that he is in custody from 15.11.2021. Hence, he seeks bail to the petitioner.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The earlier bail application filed by the petitioner in Crl.OP(MD) No.21051 of 2021 was dismissed on 29.12.2021 taking note of the age of the victim girl. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement given by the victim girl, recorded under Section 164 Cr.P.C, wherein, she clearly stated that the petitioner has kidnapped her and also committed sexual assault.

6.Considering the above said fact and also considering the age of the victim girl and the nature of offence, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-

25/01/2022

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/ /2022

Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Vsd

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 SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 2.THE INSPECTOR OF POLICE,
UTHAMALAI POLICE STATION,
UTHUMALAI,
TENKASI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.617 of 2022

Date :25/01/2022