



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01.02.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1719 of 2022

M.Vigneshwaran @ Vicky

... Petitioner Accused

Vs

The State through
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.66 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.J.MATHESH
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.66 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 06.02.2021 for the offences punishable under Sections 3, 4, 13, 15 of POCSO Act, 2012 altered into Sections 5(j)(iv), 6, 13, 14(ii) of POCSO Act, 2010, Section 305 IPC and Sections 66 E and 67(B)(b) IT Act, 2000, in Crime No.66 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner by giving false promise to marry the defacto complainant's daughter, who is aged about 17 years, had sexual intercourse with her. The petitioner had also videographed the same in his mobile and threatened her. Therefore, the victim humiliated and poured kerosene on her and set fire and also died on 05.02.2021. Hence, the complaint.

3.This Court, while dismissing the earlier application dated 22.11.2021 in Crl.O.P.(MD)No.17353 of 2021, has directed the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Srivilliputhur, Virudhunagar District, to proceed with the framing of charges and to conduct the trial and complete the same, as expeditiously as possible.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution, and that only on suspicions, he has been arrested. He would further submit that though this Court has issued the directions on 22.11.2021, the charges are not yet framed and the petitioner is in judicial custody from 06.02.2021.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the accused by committing aggravated sexual assault, had videographed the same and that thereafter, he had forwarded the same to his friends and that subsequently, on coming to know about the same, the victim girl had set fire on herself. He would further submit that due to COVID-19 restrictions and as per the orders of this Court, there is no physical functioning of the trial Court. He would also submit that the victim girl gave a Dying Declaration to the learned Magistrate and reiterated the version given in the complaint.

6.Considering the seriousness and gravity of the offence alleged, this Court is not inclined to grant bail to the petitioner, but at the same time, the trial Court is to be directed to complete the trial and dispose of the case within three months from the date of resumption of regular functioning of the Court and the trial Court is directed accordingly.

7.With the above directions, this Criminal Original Petition is disposed of.

sd/-

01/02/2022

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/ /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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



3 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.MATHESH.J. Advocate SR.No.594

ORDER

IN

CRL OP(MD) No.1719 of 2022

Date :01/02/2022

SA/VR/SAR.2/03.02.2022/3P/7C