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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1778 of 2022

Periyasamy

... Petitioner/Sole Accused

Vs

State rep.by its
The Inspector of Police,
All Women Police Station,
Tuticorin,
Tuticorin District.
(Crime No.47 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Arumugam S, Advocate.

For Respondent : M/s.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.47 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 14.12.2021 for the alleged offence under Sections 5(1) r/w 6 of POCSO Act and Section 506(ii) of IPC, in Crime No.47 of 2021, on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that he sexually assaulted the minor child. Hence, the case in Crime NO.47 of 2021 has been registered.



3.The petitioner filed a bail application before the Special Court in Crl.M.P.No.1615 of 2021. Since the same was dismissed, the petitioner has come forward to this Court seeking bail.

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4.On the side of the petitioner, it is stated that the alleged occurrence is said to have taken place on 13.10.2021. The occurrence is said to have come to the knowledge of the defacto complainant on 26.10.2021. But the FIR was registered only on 10.11.2021. Only on previous enmity, a false case has been foisted against the petitioner. The petitioner is residing in the neighbouring house. There is no possibility of a delay in having knowledge of the occurrence. The petitioner is in custody from 14.12.2021 onwards, that is for the past 51 days. He is working in a private company in Chennai and prayed the petitioner to be released on bail.

5.On the side of the respondent, it is stated that the age of the victim girl is only 13 years. Her date of birth is 29.07.2009. She stayed in an Ashram by name Anbu Ashram. Her father and mother were separated. The victim was studying 7th standard. The petitioner abused her by threatening her. The girl was left in the custody of the father and later the girl was admitted in Anbu Ashram. There she told the incident to the Teacher and from the Teacher, the defacto complainant came to know about the occurrence and then she lodged the complaint. The offence is serious in nature and against the society and prayed the petition to be dismissed.

6.It is seen that the petitioner is in custody from 14.12.2021. The age of the victim girl is 13 years. The offence is serious in nature. The investigation is still pending. Considering the age of the victim and considering the nature of offence, this Court is not inclined to release the petitioner on bail. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
03/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Ls



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,
TUTICORIN, TUTICORIN DISTRICT.
2. THE OFFICER INCHARGE,
DISTRICT JAIL AT PERURANI,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARUMUGAM.S Advocate SR.No.812

ORDER
IN
CRL OP(MD) No.1778 of 2022
Date :03/02/2022

SP/JM/SAR II/15/02/2022/3P/5C