



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.2090 of 2022

A.Moovendhan ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
All Woman Police Station,
Virudhunagar,
Crime No. 20 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Ananda Kumar.N,
Advocate.

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

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

PRAYER :-

For the Bail in Crime No. 20 of 2021 on the file of the Respondent.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 14.12.2021 for the alleged offence under Section 363 and 506(1) of IPC and 5(1), 6, 7 and 8 of Protection of Child from Sexual Offences Act, 2012, in Crime No.20 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 16 years and the petitioner is aged about 35 years. The defcto complainant is the sister-in-law of the victim girl. On 14.12.2021, the petitioner had committed a sexual assault on the victim girl. Hence, this complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 14.12.2021. Hence, he prays to grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner has developed intimacy with the victim girl and had a sexual intercourse with her.

5.The learned counsel for the petitioner would submit that medical examination of the victim girl and the petitioner is over and he is custody for more than 45 days.

6.But, duration of custody may not a matter for considering the nature of offence. It is very unfortunate, that the girl is aged about 16 years and the petitioner is aged about 35 years and he is having wife and three children. The affair between the victim girl and the petitioner is not a pure love affair. The petitioner appears to have committed a sexual assault upon the victim girl.

7. In view of the above, the petitioner is not entitled to discretionary relief of anticipatory bail. This Court is not inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/02/2022

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

DSS

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 Woman Police Station, Virudhunagar.



2. The Superintendent,
Central Prison, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER

IN

CRL OP(MD) No.2090 of 2022

Date :03/02/2022

RD/JM/SAR-III (11.02.2022) 3P 4C