



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.2160 of 2022

Sarankumar

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Ganeshnagar Police Station,
Pudukottai District.
(Cr.No. 264/2017).

... Respondent/Complainant

For Petitioner : M/s.BALASUBRAMANIAN.E,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For bail in Crime No.264 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 23.12.2021 for the alleged offence under Sections 366 (A) @ 363 IPC and 6 of POCSO Act, 2012, in Crime No.264 of 2017, 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 31 years. The petitioner kidnapped the victim girl and married her and also committed sexual assault on her. Hence, a case has been registered against the petitioner in Crime No.264 of 2017 for the offences under Sections 366 (A) @ 363 IPC and 6 of POCSO Act, 2012. After completion of investigation, final report was filed before the learned Mahila Court, Pudukottai and the same was taken on file in Spe.S.C.No.21 of 2017. Because of the non-appearance of the petitioner, non bailable warrant was issued against him on 16.09.2019 and he was arrested and remanded to judicial custody on 23.12.2021. Hence, this petition.



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 due to the pandemic situation, the petitioner not able to attend the Court on the date of hearing and also not able to contact his Advocate. Now, the victim girl got married one Subash and also living with him. Further, the petitioner is in judicial custody from 23.12.2021, he prays to grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the due to the non appearance of the petitioner, trial could not be completed. Non bailable warrant was issued in the year 2019 and he was arrested in the year 2021. For a period of 4 years he has absconded. Hence, he opposed to grant bail to the petitioner.

5.It is seen that because of non appearance of the petitioner in the course of trial, warrant was issued against him, on 16.09.2019 and he was arrested on 23.12.2021. Reading of the order that has been passed by the learned Sub Judge, Pudukkottai, shows that the case is pending for cross examination of P.W.9(I.O). After a lapse of 2 years, he has been secured.

6.This Court is of the considered view that the petitioner was not co-operated with the trial. Due to that, trial could not be completed within a reasonable time. Further, no proper reason was assigned by him for long absence of about 2 years. The trial to be concluded, only after cross examination of P.W.9(I.O).

7.If the petitioner is released on bail, every likelihood of very same act of absconding and tampering the trial process. Hence, 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.

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,
MAHILA COURT, PUDUKOTTAI DISTRICT.

2 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
GANESHNAGAR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

COPY TO:

THE SUBORDINATE JUDGE,
PUDUKKOTTAI.

+1. CC to M/S.BALASUBRAMANIAN.E, Advocate SR.No.802

ORDER

IN

CRL OP(MD) No.2160 of 2022

Date :03/02/2022

SA/PN/SAR.2/10.02.2022/3P/7C