



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**CRL A(MD)No.33 of 2022**

WEB COPY

Mariselvam @ Mareeswaran

... Petitioner/Sole Accused

Vs.

1. The Deputy Superintendent of Police,  
Srivilliputhur,  
Virudhunagar District.
2. The Inspector of Police,  
Koomapatty Police Station,  
Virudhunagar District. ...Respondents 1& 2/Complainants
3. Vellaiammal ... Respondent No.3/Defacto Complainant
4. XXXXX  
XXXXX ... Respondent No.4/Victim

**Prayer:** This Criminal Original Petition filed under Section 14A (2) of Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.30 of 2022 dated 27.01.2022 on the file of the learned Special Court For Exclusive Trial of Cases Under POCSO Act 2012, Virudhunagar District at Srivilliputhur and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Petitioner : Mr.C.Susi Kumar

For R1 and R2 : Mr.K.Sanjai Gandhi  
Government Advocate(crl.side)

**ORDER**

This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Crl.M.P.No.30 of 2022 on the file of the learned Special Judge For Exclusive Trial of Cases Under POCSO Act, 2012, Virudhunagar District at Srivilliputhur, dated 27.01.2022.

2.The case of the prosecution is that the victim girl, aged about 14 years, was kidnapped by the petitioner on 23.12.2021 and on the pretext of the promise to marry her, committed penetrative sexual assault. The victim girl belongs to SC/ST Community. The



petitioner was arrested and remanded to judicial custody on 26.12.2021.

3.The learned counsel for the petitioner would submit that the petitioner is aged about 19 years and he fell in love with the victim girl. He never committed any sexual assault on the victim girl. He is in imprisonment from 26.12.2021 and the investigation is almost completed. He is ready to abide by any conditions imposed on him by this Court.

4.The learned Additional Public Prosecutor submitted that 164 Cr.P.C statement of the victim is recorded and the investigation is yet to be completed.

5.On perusal of the statement recorded under Section 164 Cr.P.C., it reveals the fact that the minor girl aged about 14 years was kidnapped by the petitioner and had aggravated penetrative sexual assault on her. Therefore, the petitioner committed very serious and grave offence as against the minor girl and therefore, the Court below rightly dismissed the petition for bail. Hence, this Court finds no infirmity or illegality in the order passed by the Court below.

6.In the result, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

To:

- 1.The Special Judge For Exclusive Trial  
of Cases Under POCSO Act 2012,  
Virudhunagar District at Srivilliputhur.
- 2.The Deputy Superintendent of Police,  
Srivilliputhur,  
Virudhunagar District.
3. The Inspector of Police,  
Koomapatty Police Station,  
Virudhunagar District.



4. The Officer Incharge, Sub Jail, Virudhunagar.

5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl.A.(MD)No.33 of 2022  
10.02.2022

PK(CO)  
TR(22.02.2022) 3P 6C