



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Dated: 15/02/2022

PRESENT

**The Hon'ble Mr.Justice G.ILANGO VAN**

**Cr1.OP(MD)No.3051 of 2022**

Raj Kumar

... Petitioner/Sole Accused

Vs.

State rep. By  
Inspector of Police,  
All Women Police Station,  
Virudhunagar,  
Virudhunagar District.  
(In Crime No.09 of 2021)

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu, Advocate

For Respondent : M/s.S.S.Madhavan  
Government Advocate(Criminal side)

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

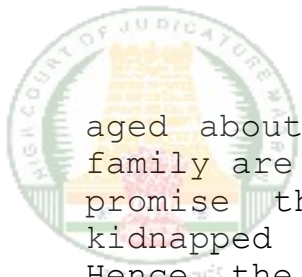
PRAYER :-

For Bail in Crime No.09 of 2021 on the file of the Respondent Police.

**ORDER** : The Court made the following order :-

The petitioner, who is arrayed as sole accused was arrested on 12/08/2021 and remanded to judicial custody for the offences punishable under sections 363 IPC r/w section 6, 7 r/w 8 of Protection of Children from Sexual offences Act, 2012 in Crime No.09 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant is the mother of the victim girl. The victim girl is studying 9<sup>th</sup> standard in the Government Higher Secondary School, Mesalur, who is



aged about 14 years. The petitioner and the de-facto complainant family are close relatives and residing in the same street. On false promise that he would marry the victim girl, the petitioner kidnapped the victim girl and had sexual intercourse with her. Hence, the complaint.

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3. Heard both sides.

4. The earlier bail applications filed by the petitioner were dismissed by this court. This is the third bail application.

5. The ground on which, this petition came to be filed is that there was love affair between the victim girl and the petitioner and absolutely, there was no intention on the part of the petitioner to commit the sexual assault upon the victim girl. But on going through the entire CD file, it is seen that the victim girl is only 15 + at the time of the alleged offence. No doubt, the de-facto complainant also stated in the complaint that this petitioner was love with the victim girl and the victim girl also alleged to have informed the same to the parents and that was objected and the victim girl was also warned to behave properly in future.

6. It is further seen that not only in one occasion, but also several occasions taking the immaturity of the victim girl, the petitioner subjected the victim girl to sexual intercourse. The age of the victim 15 + is totally immature age and at this age, it is unthinkable that it is a pure love affair. So if the petitioner is released on bail, there is every possibility of tempering the evidence. So this is not a fittest case to enlarge the petitioner on bail.

7. During the course of trial process, if any new ground is available, the petitioner is at liberty to move the concerned court without approaching this court for appropriate relief.

8. In the result, this criminal original petition is **dismissed**.

Sd/-

15/02/2022

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/ /2022

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

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<https://hcservices.ecourts.gov.in/hcservices/>



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,  
VIRUDHUNAGAR,  
VIRUDHUNAGAR DISTRICT.
2. THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.1186

ORDER  
IN  
CRL OP(MD) No.3051 of 2022  
Date :15/02/2022

SP/SBN/SAR II/18/02/2022/3P/5C