



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.3510 of 2022

Sarankumar

... Petitioner/Accused

Vs

The State represented 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.

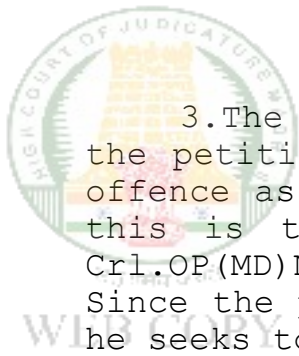
PRAYER :-

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, who was arrested on 23.12.2021 for the alleged offences 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 had kidnapped the victim girl and had sexual intercourse with her. Since the victim girl is minor, 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, on the basis of the complaint given by the father of the victim girl. 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 would submit that that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that this is the second bail application. First bail application in Crl.OP(MD)No.2160 of 2022 was dismissed by this Court on 03.02.2022. Since the petitioner is in judicial custody for more than 100 days, he seeks to grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the entire process of trial is completed and it is posted for final conclusion. At this stage, this bail application cannot be considered.

5.It is seen that the petitioner filed this petition mainly on the ground that more than 100 days he is in judicial custody. But, it cannot be a ground for considering this petition.

6.Considering the facts and circumstances of the case and also considering the fact that the matter is going to be concluded in a short time, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/03/2022

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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
GANESHNAGAR POLICE STATION, PUDUKOTTAI DISTRICT.
- 2 THE SUPERINTENDENT,
DISTRICT JAIL, PUDUKOTTAI..
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3510 of 2022

Date :28/03/2022