



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/05/2022

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
CRL OP(MD) . No.9656 of 2022

WEB COPY

1. Bharath
2. Maharaja

... Petitioners/Accused 1&2

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Valliyur,
Thirunelveli District.
Crime No.5 of 2022.

... Respondent/Complainant

For Petitioners : M/s.K.K.Samy., Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

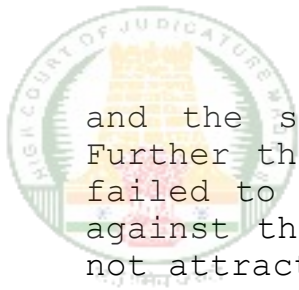
For Bail in Crime No.5 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who were arrested and remanded to judicial custody on 04.05.2022 for the alleged offences under Sections 294(b) and 506(ii) of IPC and Sections 7, 8, 11(4), 12 and 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.5 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the victim girl is aged about 17 years and the first petitioner waylaid the victim girl and proposed his love and when the victim girl refused the love proposal of the first petitioner, he pulled her hand in the public place and also she was threatened by the second petitioner. Therefore, the victim girl lodged a complaint before the respondent police and the petitioners were arrested.

3.It is the case of the petitioners that the first petitioner has only proposed his love and the occurrence has not taken place as alleged by the prosecution and a false case has been foisted against them and the allegation itself does not attract the provisions under the POCSO Act. They moved a bail application before the Special Court for POCSO Act cases, Tirunelveli, in Crl.M.P.No.1332 of 2022



and the same was dismissed by the learned Judge on 19.05.2022. Further the case of the petitioners is that the learned Judge also failed to consider the fact that there is no specific overt act as against the petitioners and also the ingredients of POCSO Act will not attract.

WEB COPY

4.The learned Additional Public Prosecutor would submit that one of the petitioners waylaid the victim girl and hold her hand in the public place and also they threatened her with dire consequences, therefore she has lodged the above complaint and the victim girl was examined by the learned Judicial Magistrate under Section 164(3) Cr.P.C., wherein the victim girl has specifically stated that one of the petitioners has waylaid her and compelled her to accept his love and when she refused it, the petitioners abused her in filthy language and also pulled her hand and when she alarmed, they ran away from the place of occurrence.

5.Considering the facts and circumstances and also the seriousness of the offence and also the fact that there is specific overt act as against the petitioners and the statement recorded under Section 164(3) also reveals the fact that there is specific overt act against the petitioners, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

25/05/2022

/ TRUE COPY /

25/05/2022

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

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLIYUR, THIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.9656 of 2022

Date :25/05/2022

RS/PN/SAR.1 (25.05.2022) 2P-4C

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