



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9856 of 2022

Karthik @ Karthikraja

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station Keeranur,
Pudukkottai District.
Crime.No. 14 of 2022.

... Respondent/Complainant

For Petitioner : M/s.ARUN SHANKAR.M,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.14 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 03.05.2022 for the alleged offence under Section 5(1), r/w 6(1) of POCSO Amendment Act, 2019, in Crime No.14 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the paternal uncle of the victim girl. The defacto complainant lodged a complaint stating that the victim girl is the daughter of his brother. His brother got two children. After the death of his brother, wife of the brother, deserted the one of the child namely, Aroykiya Linda, who is the victim girl. She was in the custody of the grand mother. She was also studying 10th standard. On a particular day, when the defacto complainant went to the house of the victim girl, she was found crying. On enquiry, she revealed that the accused person committed sexual assault on the victim girl from 14.12.2022 in the name of love during the night hours. On the basis of the complaint given by the defacto complainant, present case has been registered against the accused person and the accused was arrested on 03.05.2022. Ever since, he is in custody.

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.



4.The learned Additional Public Prosecutor submitted the victim girl age is only 15 at the time of occurrence. Investigation is completed and final report is made ready and it is going to be presented before the concerned Court after completing the formalities.

5.The learned counsel for the petitioner would submit that the petitioner was arrested on 03.05.2022. Ever since, he is in custody. The medical examinations shows that there was no injury on the private parts of the victim girl.

6.Reading of the 164 statement also shows that on 13.12.2022, at about 11.00 p.m, the accused had sexual intercourse with the victim girl. It is stated that after completing 18 years, she is ready to marry the petitioner.

7.However, noting that the victim girl age is only 15 at the time of occurrence, if he released on bail, there is every likelihood of tampering the evidence. This is not a fit case. The petitioner is not entitled for bail.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-

18/07/2022

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/07/2022

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION KEERANUR,
PUDUKKOTTAI DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.9856 of 2022
Date :18/07/2022

SA/PN/SAR.2/21.07.2022/2P/4C

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