



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) . No.10487 of 2022

1. Bharath
2. Maharaja

... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Vallioor.
Tirunelveli District.
(Crime.No.5 of 2022).

... Respondent/Complainant

For Petitioners: Mr.Samy.K.K., Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

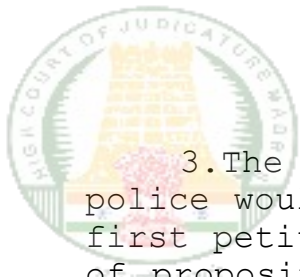
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 04.05.2022 for the 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 learned counsel for the petitioners would submit that none of the ingredients of POCSO Act would attract, since the first petitioner has only proposed his love. However, the victim misunderstood. Therefore, the petitioners have been falsely implicated in this case and now, the victim attained the age of majority. The petitioners are ready to abide any stringent conditions that may be imposed by this Court.



3.The learned Government Advocate (Crl.Side) for the respondent police would submit that while the victim girl passing through, the first petitioner was continuously torturing the victim in the guise of proposing love. The second respondent pulled her hand and also scolded with filthy language. The statement of the victim girl has been recorded by the Investigating Officer under Section 164 of Cr.P.C., and the same is produced before this Court.

4.On perusal of the statement of the victim girl, it is seen that the first petitioner for the past two years continuously was giving torture to the victim and she refused to accept the proposal of love. The second petitioner has threatened, scolded with filthy language, pulled her hand and also tried to embarrass her. Though now, the victim attained majority, at the time of occurrence, the victim was a minor, not completed the age of 18.

5.Therefore, considering the fact that the contents of the statement would attract the offences under POCSO Act, this Court is not inclined to enlarge the petitioner on bail. Therefore, this Criminal Original Petition stands dismissed.

Sd/-
22/06/2022

/ TRUE COPY /

27/06/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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

ORDER
IN
CRL OP(MD) No.10487 of 2022
Date :22/06/2022