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

Dated: 13/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP (MD) No.12244 of 2022

Vellaiyan

... Petitioner/Accused No.3

Vs.

The State rep. By
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
(Crime No.153 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, 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.153 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested, on 28/04/2022 and remanded to judicial custody for the alleged offences punishable under sections 5(1), 5(j), (ii) r/w section 6 and section 3 and 4 of POCSO Act, 2012 in Crime No.153 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the grand- daughter of the de-facto complainant by name Ramya studied in the Government High Secondary School Thirumanjulai. Later, she started working in Ammaiyappar Mills, Arasanur. She was taken to the hospital for treatment. At that time, she was told that Ramya was pregnant. On enquiry, she revealed that she was in love with one Vinoth Kumar for about 2 years. When she was alone in the house sometime six months prior to the complaint, on the promise of marriage she was subjected to sexual intercourse. That was also continued for many times. Similarly, the neighbour by name Balamurugan also contacted with her and she was also subjected to sexual intercourse by the above said Balamurugan. So, on the basis of the complaint given by the de-facto complainant, the case was registered.



3. Seeking bail, A3 by name Vellaiyan has moved this bail application.

4. Heard both sides.

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5. The case has a long history. Totally five persons were involved in the offence. One after another the victim was subjected to sexual intercourse. She became pregnant, taken to the hospital and at that time, on the information furnished by her to the de-facto complainant, the case was registered. The statement of the victim was also recorded, wherein she has stated that she was in love with one boy and she had physical contact with him. That was seen by the paternal uncle's son. He also subjected to her sexual intercourse.

6. The DNA profiling was also taken and it excluded the accused Vinoth Kumar and Balamurugan from the paternity. They were granted bail.

7. Further investigation shows that again the statement of the victim was recorded and only at that time, she has stated that the accused Vellaiyan also subjected her to sexual intercourse frequently. She was in love with one Vinothi Kumar for about 3 years. Later, on the promise of marriage, she was subjected to sexual intercourse. Similarly, the above said Balamurugan under threat subjected her to sexual assault. Another Vinoth Kumar also subjected her to sexual intercourse. So reading of the statement of the victim girl gives disturbing facts. The victim girl is not in a position to disclose the truth and entire facts.

8. Considering the facts and circumstances of this case, this court is not inclined to grant bail to the petitioner. If bail granted to the petitioner, there is every likelihood of tampering the evidence by him. He was arrested on 28/04/2022. Now the investigation is not at all over. The offence of such nature must be seriously viewed. The petitioner, being the paternal uncle of the victim girl, subjected her to sexual intercourse.

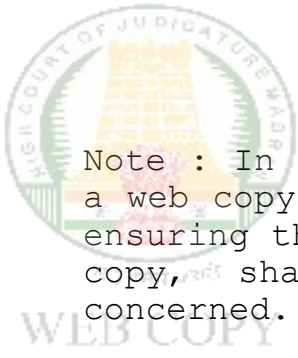
9. Considering the gravity of the offence, the petitioner is not entitled for bail. According this criminal original petition deserves dismissal and it is **dismissed**.

Sd/-
13/07/2022

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/ /2022

Sub-Assistant Registrar (C.S.I)
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,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.12244 of 2022
Date :13/07/2022

SP/JM/SAR I/15/07/2022/3P/4C