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CRL OP(MD). N



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

Date : 12.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.12361 of 2022

Eswaran

... Petitioner/ Accused (Sole)

vs.

The State rep.by,
The Inspector of Police,
All Women Police Station,
Pudukkottai.
(Crime No.32 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.K.Mani, Advocate
for Mr.M.Yesudasan, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

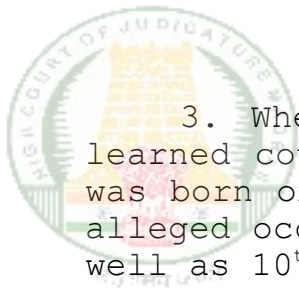
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-For Bail in connection with the case in Spl.S.C.No.21 of 2022 before the learned Sessions Judge, Mahila Court, Pudhukottai, in Crime No.32 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused is facing a case for the offences punishable under Sections 5(1), 6, 11(5) and 12 of Protection of Child from Sexual Offences Act, in Spl.S.C.No.21 of 2022 before the learned Sessions Judge, Mahila Court, Pudhukottai, in Crime No.32 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were in love, that both of them went to Chithanna Vasal and at that time, the petitioner had given cool drinks to the defacto complainant and after drinking the same, the defacto complainant felt dizzy and at that time, the petitioner had sexual intercourse with the defacto complainant without her consent and knowledge and also recorded the same and that thereafter, the petitioner threatened the defacto complainant continuously by using the video and photos. Hence, the complaint.



3. When the matter was taken up for hearing on early date, the learned counsel for the petitioner would submit that the petitioner was born on 11.05.2002 and he was below 18 years on the date of the alleged occurrence. He produced the copy of the birth certificate as well as 10th standard certificate of the petitioner/accused.

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4. The learned Additional Public Prosecutor would submit that the petitioner was major at the time of committing the offence and FIR came to be registered on 24.12.2021 and after considering the above aspects and after completing the investigation, charge sheet came to be filed and the case was taken on file in Spl.S.C.No.21 of 2022. He would further submit that the trial has already been commenced and that two witnesses have already been examined including the victim girl, as, P.W.1 and P.W.2 respectively.

5. The learned counsel for the petitioner would further submit that in the evidence, the victim girl has deposed about two incidents, in which, one incident was at Chithanna Vasal while she was studying 9th standard and the second incident took place 15 days thereafter. The learned Additional Public Prosecutor would submit that at the time of the cross-examination of the victim girl, she has stated that she was not aware of the dates of the alleged incidents occurred. But according to the learned counsel for the petitioner, two incidents alleged by the victim girl took place when the petitioner was below 18 years.

6. Considering the above facts and circumstances and also taking note of the alleged age of the petitioner at the relevant point of time, the respondent police is directed to produce the petitioner before the Juvenile Justice Board, Pudhukkottai District tomorrow (13.07.2022) and thereafter the Board is directed to proceed in accordance with provisions of Juvenile Justice (Care and Protection of Children) Act, 2015.

7. With the above observation, this Criminal Original Petition is dismissed.

sd/-

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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 SESSIONS JUDGE,
MAHILA COURT, PUDHUKOTTAI,
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDHUKOTTAI
DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, ARANTHANGI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
JUVENILE JUSTICE BOARD,
PUDHUKOTTAI DISTRICT.

+1. CC to Mr.M.YESUDASAN Advocate SR.No.6924.

ORDER

IN

CRL OP(MD) No.12361 of 2022

Date :12/07/2022

CSM

MK/PN/SAR.I/12.07.2022/3P/7C