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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.15017 of 2022

C.Archunan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(in Crime No.07/2022).

... Respondent/Complainant

For Petitioner : M/s.Tamilmani N, Advocate.

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

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

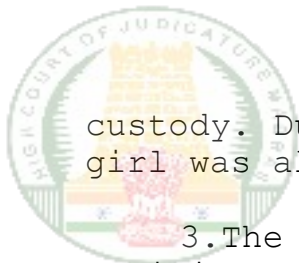
PRAYER :-

For Bail in Crime No.7/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 05.04.2022 for the alleged offences under Sections 3(a), 4, 5(m) and 6 of POCSO Act, in Crime No.7 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the mother of the victim girl lodged a complaint stating that the victim girl was aged about 9 and studying 4th standard in Government School. On 31.03.2022, she returned to house crying. Her mother made enquiry. At that time, she revealed that the accused person took her to the house and sexually assaulted. Based upon the above said information, case was registered and the accused person was arrested and remanded to



custody. During the course of investigation, statement of the victim girl was also recorded. Medical examination was also over.

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. He further submitted that investigation is completed and final report has been filed before the concerned Court and that there was a delay of 3 days in lodging the FIR. Even before the date of occurrence, the petitioner was affected by neuro disease. Because of the above said disease, he could not commit sexual assault upon the victim girl. He has also produced the medical records to show that he was taking treatment.

4. But, that cannot be a ground for enlarging the petitioner on bail. If the petitioner released on bail, there is every likelihood of tampering the evidence and making trouble to the victim girl and it is not a fit case to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is dismissed. The petitioner shall face the trial in custody.

Sd/-
02/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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+1. CC to M/S.TAMILMANI N Advocate SR.No.9535

ORDER
IN
CRL OP(MD) No.15017 of 2022
Date :02/09/2022

SP/SVR/SAR IV/14/09/2022/3P/5C