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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15332 of 2022

Vincent

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No. 32/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Yasar Arafath.
Legal Aid counsel.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Bail in Crime No.32 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 08.05.2021 for the alleged offence under Sections 366, 429, 506(i) IPC and Section 11(4), 12, 5(1), 6 of POCSO Act, in Crime No.32 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.05.2021, the victim girl was found missing. In spite of search, the defacto complainant could not find out the victim. Originally the case has been filed under Girl Missing.

3.From the investigation, it revealed the fact that the petitioner had kidnapped the victim and raped her repeatedly. Again on 07.05.2021, the petitioner sent the victim to her house. The

<https://www.mhc.org.in/judis>



age of the victim was only 15 years and the age of the petitioner was 57 years at the time of occurrence.

4.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.

5.The learned Additional Public Prosecutor submitted that in this case final report was filed and it has been taken cognizance as Spl.S.C.No.48 of 2021. In this case, so far 17 witnesses were examined fully and the remaining witnesses yet to be examined by the prosecution. Hence, raised his strong objection.

6.Considering the gravity of the offence and the fact that the trial is in progress, which will be completed, within a short span of time and at this stage, if the petitioner is released on bail, he will abscond, which will hamper the trial and hence, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
25/08/2022

/ TRUE COPY /

08/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-9013[I] dated 25/08/2022

ORDER
IN
CRL OP(MD) No.15332 of 2022
Date :25/08/2022

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PKP/VR/SAR-4/08.09.2022/2P/4C