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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 12.09.2022

Pronounced on : 14.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15439 of 2022

Thalaimalai

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(In Crime No.13/2022)..

... Respondent/Complainant

For Petitioner : M/s.Murugappan R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.438 of Cr.P.C.

RAYER :-

For Bail in Crime No.13/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 18.06.2022 for the offences punishable under Sections 5(j)(ii)r/w.Section 6 of POCSO Act in Crime No.13 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner deceived the victim by giving false promise. The case of the prosecution is that when the victim went to the house of the accused, he made sweet coated words and had committed aggravated penetrative sexual assault against the victim, due to which she become pregnant, hence the case came to be registered.



3.The learned counsel for the petitioner would submit to such occurrence had taken place as alleged by the prosecution. He would further submit that the victim is the friend of the petitioner's sister and both the victim and petitioner loved for five years and on the date of occurrence the victim herself went to the house of the accused and they had sexual relationship and thereafter the victim came back to her house. He would further submit that the petitioner is in judicial custody from 18.06.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor would submit that the victim is a heart patient. The accused on false promise of marrying the victim had sexual relationship with her on several occasions. After few days, the victim consumed pesticide and when she was taken to hospital only it came to light that she was pregnant. As per the advise of the doctor her pregnancy was aborted as she is having some medical issues. 164 Cr.P.C statement of the victim was also recorded.

5. The victim girl in her statement recorded under Section 164 Cr.P.C clearly stated the fact that the petitioner had sexual intercourse with her on several occasions and thereafter refused to marry her. Due to which she became pregnant and later it was aborted.

6.Considering the facts and circumstances of the case and also considering the role played by the petitioner and also the fact that the investigation is at the preliminary stage, this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-

14/09/2022

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/09/2022

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

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TO

1.THE OFFICER IN CHARGE,
DISTRICT CENTRAL PRISON,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.15439 of 2022

Date :14/09/2022

RK/SVR/SAR-II (16/09/2022) 3P/4C