



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

Dated: 02/09/2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.15581 of 2022

Yuvaraj : Petitioner/Accused No.2

Vs.

State represented through
The Inspector of Police,
Lalapet Police Station,
Karur District.
(In Crime No.298 of 2022)

: Respondent/Complainant

For Petitioner : Mr.M.Maharaja,
Advocate

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

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

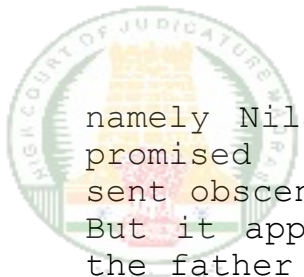
PRAYER :-

For Bail in Crime No.298 of 2022 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioner, who is arrayed as A2 was arrested and remanded to judicial custody, on 08/07/2022 for the alleged offences punishable under sections 9(f), 10, 11(5), 12 of POCSO Act r/w section 506(1) IPC @ 11(v), 12, 5(f), 5(i), 5(l), 5(u), 6, 11(1), 11(2), 11(3), 11(4), 16 and 17 of POCSO Act and sections 294(b), 341, 323, 366, 450 and 506(i) IPC, in Crime No.298 of 2002, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the victim girl. She lodged a complaint stating that her daughter was studying 10th standard. She was making arrangement to admit her in 11th standard. She noticed the unusual conduct of the victim girl. On suspicion, she went through her mobile phone. At that time, she was found talking with her college teacher. On enquiry, she disclosed that the above said teacher



namely Nilavozhi told her that he is in love with her so promised that he will marry her. She was also also instructed to sent obscene photos. She took her obscene photos and sent the same. But it appears that A1 continuously sent the obscene messages. So the father went to the school to make enquiry. At that time, A1 told that he will continue to do the same. The father was also criminally intimidated. The victim girl has also tried to commit suicide. On the basis of the complaint given, the case was registered against A1.

3. During the course of investigation, the involvement of this petitioner, who is arrayed as A2 came to light by way of disclosure, that was made by the victim girl during the course of 164(3) CrI.P.C statement. Alteration report was filed by impleading this petitioner as A2. He was arrested and remanded to judicial custody.

4. Seeking bail, this petition has been filed.

5. Heard both sides.

6. A serious allegation of misconduct and indecent proposal has been made against the petitioner also. Now the learned counsel appearing for the petitioner would submit that in the first statement, there is no allegation against this petitioner. Only in the second statement, mention has been made, even though the allegation has been made by the victim girl on 09/05/2022 which falls on Sunday; So the allegation that victim girl contacted this petitioner to make a complaint is highly improbable and at that time, this petitioner alleged to have misbehaved with her. According to him, this is highly unbelievable one.

7. The next contention is that already the de-facto complainant paid fees for the victim girl and the contention that they demanded payment of fee, that was intimated to the de-facto complainant is also highly improbable. So according to him, the occurrence ought not to have taken place on 25th May is also highly improbable and unbelievable one. All these things cannot be a matter for consideration in this petition. But it is a matter for considering before by the investigation officer and the trial court.

8. When serious allegation of sexual assault has been made against this petitioner, it requires thorough investigation. If the petitioner is enlarged on bail at this stage, there is every likelihood of hampering the investigating process.

9. Considering the seriousness of the allegation against the petitioner, he is not entitled for the relief of bail and accordingly, this petition is liable to be dismissed.



10. In the result, this criminal original petition I **dismissed**.

sd/-

02/09/2022

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/ TRUE COPY /

/09/2022

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

TO

1. THE INSPECTOR OF POLICE,
LALAPET POLICE STATION,
KARUR DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.15581 of 2022

Date : 02/09/2022

er

USK/VRS/SAR-II/15.09.2022/3P/4C