



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.16241 of 2022

Givinthakannan

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.185/2022).

... Respondent/Complainant

For Petitioner : M/s.Appaji C K M, Advocate.

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

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

PRAYER :-

For Bail in Crime No.185/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 14.08.2022 for the offences punishable under Section 363 @ 366 of IPC and Sections 8 r/w 7 of Protection of Children from Sexual f Act, 2012, in Crime No.185 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.08.2022 at about 09.30 a.m., when the victim girl was alone in her house, the petitioner along with A1 and A2 came there and kidnapped the victim girl and thereafter, the petitioner and A1 had committed sexual assault on the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he is not at all present at the place of



occurrence and he has been falsely implicated in this case. He would further submit that A1 is a juvenile and he was also released on bail by the Juvenile Justice Board.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the victim is aged about 17 years and under Section 164 of Cr.P.C statement of the victim girl is yet to be recorded and the potency test is yet to be taken for the petitioner and the investigation is pending.

5. Considering the seriousness and gravity of the offence alleged and on considering the age of the victim and also considering the fact that the investigation is pending, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
16/09/2022

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

SJI

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,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.16241 of 2022
Date : 16/09/2022