



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/09/2022

PRESENT

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

CRL OP(MD). No.16731 of 2022

WEB COPY

Gajendran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
(Crime No.12/2022).

... Respondent/Complainant

For Petitioner : M/s.Micheal Sebastin B,
Advocate.

For Respondent : Mr.M.Muthu Manikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.12/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is arrayed as sole accused. He was arrested and remanded to Judicial Custody on 29.04.2022 for the offences punishable under sections 5(1), 5(j)(ii) and 6 of POCSO Act and 366 IPC and 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.12 of 2022 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the daughter of the de facto complainant, who is aged about 13 years, and forcibly sexual intercourse with her. Subsequently, a female child was born to her.

3.The learned counsel appearing for the petitioner submitted that the investigation has already been completed and the charge sheet was filed before the concerned Magistrate. He further submitted that petitioner is in judicial custody from 29.04.2022.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had committed the offence of penetrative sexual assault upon the minor victim and she is aged about only 14 years. He would further submit that the victim delivered a female child and the investigation was completed and the charge sheet has been



filed. He further submitted that DNA sample test not yet and strongly objected for granting bail to the petitioner.

5.Considering the serious nature of offence committed by the petitioner and that the petitioner is only aged about 14 years and that the DNA sample test is yet to be recovered, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

19/09/2022

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/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, KANYAKUMARI, KANYAKUMARI DISTRICT.
- 2 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL AT KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16731 of 2022

Date :19/09/2022

TRP

RS/SBN/SAR.1 (27.09.2022) 2P-4C