



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

Date : 14/10/2022

PRESENT

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

CRL OP(MD). No.18343 of 2022

Saravanan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(In Crime No.15/2022).

... Respondent/Complainant

For Petitioner : M/s.Arun Srinivastava M,

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

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

PRAYER :- For Bail in Cr No.15/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 13.08.2022 for the alleged offence under Sections 376(AB), 324, 506(i) IPC and Section 75 of JJ Act, Sections 5(m), 5(n), 5(l), 5(i), 5(h), 6, 16 r/w 17 of POCSO Act, 2012, in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim was aged about 5 years. A2 is the brother of victim's mother and A1 is his son. Since the mother of the victim eloped with someone, the victim is in the custody of her maternal uncle/A2. A1, who is the son of A2, criminally intimidated the victim and committed sexual assault so many times and also caused fire injuries on her thigh, backside and vaginal part, with the help of A2. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and had not committed any such offence, as alleged by the prosecution. The petitioner only take care of the victim and a false case has been foisted against him. The petitioner did not know about the occurrence, since he was not in the occurrence place. Hence, prays to release him on bail.



4. On the side of prosecution, it is stated that the age of the victim child was only 5 years at the time of occurrence. The victim is in the custody of her maternal uncle/A2, after the elopement of her mother. As per the medical report, there was injuries on the private parts of the victim and there is mark for aggravated sexual assault on her private parts. The investigation is in nascent stage and hence, prays to dismiss the petition.

5. Considering the heinous nature of offence, serious allegations levelled against the petitioner and the tender age of the victim and also considering the initial stage of the investigation, the petitioner is not entitled to exercise any discretionary relief from this Court.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

14/10/2022

/ TRUE COPY /

/11/2022

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

TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARUN SRINIVASTAVA M Advocate SR.No.11464

ORDER

IN

CRL OP(MD) No.18343 of 2022

Date :14/10/2022

PNM

SA/SBN/SAR.1/01.11.2022/2P/5C