



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20384 of 2021

Sivakumar

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Ramanathapuram All Women
Police Station,
Ramanathapuram District.
(Crime No.21/2021).

... Respondent/Complainant

For Petitioner : M/s. Navaneethakrishnan.M, Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

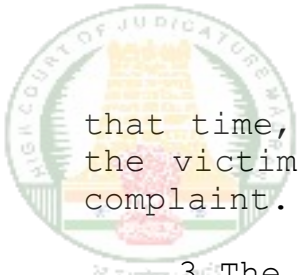
PRAYER :-

For Bail in Crime No.21 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 02.11.2021 for the alleged offence under Section 3, 4, 5(I), 6 POCSO Act and 506(i) of IPC, in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 16 years and studying 11th standard. From the year 2018, the father of the victim girl, who is arrayed as A1, gave physical torture to her. Because of that, she was mentally affected. Without knowing the above said fact, the mother of the victim girl brought the victim girl to the temple poosari, who is the petitioner herein and he insisted them to stay at temple for a period of three days. On believing his words, they stayed in that temple at night. During



that time, the petitioner committed penetrative sexual assault upon the victim girl by mixing some substance in the milk. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the occurrence place is open place and fully covered with CCTV Cameras and there is no chance to commit the above said occurrence as alleged by the prosecution and he is in judicial custody from 02.11.2021. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor strongly objected the submission made by the learned counsel for the petitioner that the occurrence place is open place and fully covered with CCTV Cameras and there is no chance to commit the above said occurrence as alleged by the prosecution and he would submit that there is a serious allegation has been made against the petitioner in 164 statement of the victim girl and final report has been filed before the Mahila Court, Ramanathapuram, and he also produced a copy of the 164 statement.

5.It is seen that the petitioner committed a sexual assault upon the victim girl by mixing some sort of substance in milk. Since serious allegation has been made against this petitioner and final report has been filed before the concerned Court, if released the petitioner on bail, it will cause impact in the trial process.

6.Considering the above and also considering the fact that the age of the victim girl and the manner in which, occurrence said to have taken place, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
03/01/2022

/ TRUE COPY /

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

dss

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.



1. THE INSPECTOR OF POLICE,
RAMANATHAPURAM ALL WOMEN
POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. NAVANEETHAKRISHNAN.M Advocate SR.No.10

ORDER
IN
CRL OP (MD) No.20384 of 2021
Date :03/01/2022

SP/CN/SAR III/06/01/2022/3P/5C