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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2022

PRESENT

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

CRL OP(MD). No.19296 of 2022

Vignesh

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
Cr.No.11/2022.

... Respondent/Complainant

For Petitioner : M/s.Dhana Chandra Prakash.D.,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner/1st accused on bail in Spl.S.C.No.122 of 2022 on the file of the learned Special Court for Exclusive Trial of cases under POSCO Act, 2012, Srivilliputtur.

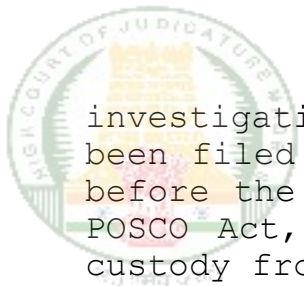
ORDER : The Court made the following order :-

The petitioner/A1, who is facing a case for the offence under Sections 5(1), 5(n) and 5(j)(ii) r/w 6 of POCSO Act, 2012 in Spl.S.C.No.122 of 2022 on the file of the learned Special Court for Exclusive Trial of cases under POSCO Act, 2012, Srivilliputtur in crime No.11 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused had committed penetrative sexual assault on the victim girl, who is aged about 17 years and as a consequence, the victim girl became pregnant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the

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investigation has been completed and the charge sheet has been filed and the case was taken on file in Spl.S.C.No.122 of 2022 before the learned Special Court for Exclusive Trial of cases under POSCO Act, 2012, Srivilliputtur and the petitioner is in judicial custody from 03.07.2022. Hence, he prays for bail to the petitioner.

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4.The learned Additional Public Prosecutor would submit that the victim girl is aged about 17 years and she is a mentally disordered person. Totally three accused involved in this case and the petitioner is arrayed as A1, who is the close relative of the victim girl. The petitioner had committed penetrative sexual assault on the victim girl and as a consequence, she became pregnant. Now, the pregnancy was aborted. The statement under Section 164 of Cr.P.C. of the victim girl is also recorded and the investigation has been completed and the charge sheet has already been filed and the same was taken on file in Spl.S.C.No.122 of 2022 before the learned Special Court for Exclusive Trial of cases under POSCO Act, 2012, Srivilliputtur. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the seriousness and gravity of the offence and also considering the statement recorded under Section 164 of Cr.P.C. of the victim girl, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

6.However, the learned Special Court for Exclusive Trial of cases under POSCO Act, 2012, Srivilliputtur is directed to complete the entire trial proceedings and dispose of the case in Spl.S.C.No.122 of 2022, within a period of three months from the date of receipt of a copy of this order.

sd/-

01/11/2022

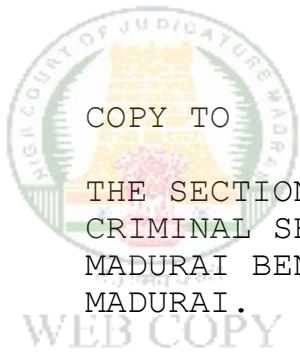
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, 2012,
SRIVILLIPUTTUR.
- 2 THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). N



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COPY TO
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19296 of 2022
Date :01/11/2022

sj i
RS/SBN/SAR.4(09.11.2022) 3P-6C