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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP(MD). No.19346 of 2022

Kanagaraj Samuel,

... Petitioner/ Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Alangulam.
(Crime No.34/2022)

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan, 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.34/2022 on the file of the Respondent police.

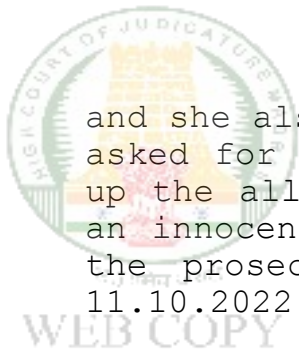
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 11.10.2022 for the offences punishable under Sections 7 and 8 of POCSO Act, 2012 in Crime No.34 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was running a grocery shop. On 10.10.2022, the victim girl, who is aged about 17 years had gone to that shop to buy an ice cream. At that time, the petitioner sexually assaulted the victim girl by touching her back inappropriately. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the victim girl had money transaction with the petitioner

<https://www.mca.gov.in/pdf>



and she also borrowed some loan amount from the petitioner. He asked for the repayment, the mother of the victim girl falsely set up the allegation. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and the petitioner is in judicial custody from 11.10.2022. Hence, he may be granted bail.

4.The learned Government Advocate(crl.side) would submit that the victim is aged about 17 years and the investigation has been completed and the charge sheet has also been filed and the case is ready for trial. He would further submit that first accused is still absconding. Hence, he strongly opposed for grant of bail.

5.Considering the fact that the offences alleged to have been committed by the petitioner are serious in nature and the strong objection raised by the prosecution and also considering the age of the victim girl and the fact the investigation is still pending, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-

02/11/2022

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/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, ALANGULAM.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19346 of 2022

Date :02/11/2022

cp

PKP/SSS/SAR-3/09.11.2022/2P/4C