



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

Date : 09/11/2022

PRESENT

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

CRL OP(MD). No.19822 of 2022

WEB COPY

Ayyankalai

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.9/2021).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D S, 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.9/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 25.09.2021 for the offence under Sections 363, 366, 376 (AB) IPC, Section 5(g)(m) r/w Section 6 of POCSO Act and Section 9 (g)(m) r/w Section 10 of POCSO Act, 2012 in Crime No.9 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant's brother's minor daughter aged about 5 ½ years was sexually assaulted by the accused persons. Hence, the case came to be registered against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already detained under Act 14 by the detention order passed by the District Collector, Sivagangai, dated 24.12.2021 and the same was set aside by this Court in H.C.P.(MD) No.219 of 2022, dated 16.09.2022. He would further submit that the statement of the victim girl was recorded under Section 164 of Cr.P.C. 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.34 of 2021 before the Special Court for POCSO Act Cases, Sivagangai and out of 23 witnesses 14 witnesses were examined. The petitioner is in judicial custody from 25.09.2021 and hence, he prays for bail.



4.The learned Additional Public Prosecutor would submit that there are three accused in this case and the petitioner is arrayed A3 in this case. The petitioner along with A1 and A2 had sexually assaulted the victim child, who is aged about 5 ½ years. The statement of the victim child was recorded under Section 164 of Cr.P.C. 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.34 of 2021 before the Special Court for POCSO Act Cases, Sivagangai and out of 23 witnesses 16 witnesses were examined and case stands posted to 15.11.2022 for examination of P.W.17 and P.W.18. If he is released on bail, there is every likelihood of absconding. Hence, he prayed for dismissal of this petition.

5.Considering the allegation against the petitioner is very serious in nature, 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 POCSO Act Cases, Sivagangai, is directed to complete the trial and dispose of the case in Spl.S.C.No.34 of 2021, within a period of one month from the date of receipt of a copy of this order.

sd/-

09/11/2022

/ TRUE COPY /

/11/2022

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

TO

- 1 THE SPECIAL JUDGE FOR POCSO ACT CASES, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MANAMADURAI, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

ORDER

IN

CRL OP(MD) No.19822 of 2022

Date :09/11/2022