



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19826 of 2022

P. Ganapathy

... Petitioner/Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
(Crime No.15/2021).

... Respondent/Complainant

For Petitioner : M/s.Devaki A,
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.15/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.11.2021 for the offence under Sections 376(3) and 376AB and Sections 5(1), 5(m), 6, 9(m) and 10 of POCSO Act in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons had committed sexual assault upon the victim girl. 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 and he is in judicial custody from 16.11.2021 to 09.11.2022. Hence, he prays for bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that there are two accused in this case and the petitioner is arrayed as A1 in this case. The petitioner and A2 were already detained under Act 14 and the same was revoked. He would further submit that the respondent police after completing investigation, has filed the charge sheet before the learned Special Court for Trial of POCSO Act Cases, Sivagangai and the same was taken on file in Spl.S.C.No.11 of 2022 and the case is pending for trial. If he is released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the gravity and nature of the offence, 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 Trial of POCSO Act Cases, Sivagangai is directed to complete the trial and dispose of the case in Spl.S.C.No.11 of 2022, within a period of two months 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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19826 of 2022

Date :09/11/2022

SS/VR/SAR I/21.11.2022/ 2P/ 5C