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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

PRESENT

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

CRL OP(MD). No.21263 of 2022

Maharaja @ Govindaraj ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Keeranur,
Pudukkottai District.
Crime No.15 of 2021.. ... Respondent/Complainant

For Petitioner : M/s.Arunraj K,
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 of 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 01.08.2022 for the offences punishable under Sections 5 (1), 5(j)(ii) r/w 6(1) of POCSO Amendment Act, 2019 @ 5(n) r/w 6(1) of POCSO Amendment Act, 2019, in crime No.15 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.09.2022, at 11.30 p.m, on the basis of the information from the Pudukkottai Raniyar Hospital, the defacto complainant, who is the Probation Officer, District Child Protection Welfare Office, went to the hospital and enquired the victim girl. During the course of enquiry, it was found that the accused had committed sexual assault upon victim girl. Due to which a girl child was born to her. Hence, the complaint.

<https://www.hcma.gov.in/judis>



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 is the reason for her pregnancy and the medical report also confirmed the same. Hence, he was arrested prior to the petitioner. Earlier, the petitioner moved anticipatory bail petition before this Court in Crl.OP(MD)No.15587 of 2021 and the same was dismissed on 05.07.2021. Hence, he voluntarily surrendered before the concerned Court on 01.08.2022. The Charge Sheet was also filed before the concerned Court and the same was taken on file by the Sessions Judge, Mahila Court, Pudukkottai. The petitioner is in judicial custody from 01.08.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that it is a second anticipatory bail petition filed by the petitioner and at the time of occurrence, the victim girl was aged about 15 years. Both the A1 and A2 had committed the sexual assault upon the victim girl and that she become pregnant. He would further submit that this Court by order dated, 10.11.2022 issued a direction to the learned Sessions Judge, Mahila Court, Pudukkottai to dispose of the Spl.SC.No.63 of 2022 within a period of three months from the date of receipt of a copy of that order. He further contended that if the petitioner is released on bail, there is every likelihood of tampering the evidence and making offend against the victim girl. Hence, he strongly opposed to grant bail.

5.Considering the gravity of the offence and also considering the age of the victim girl, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the learned Sessions Judge, Mahila Court, Pudukkottai is directed to comply the earlier order passed by this Court in Crl.O.P(MD).No.19913 of 2022, dated 10.11.2022, within the time specified by this Court.

sd/-
01/12/2022

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/12/2022

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

TRP

TO

1.THE SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI



2. THE OFFICER IN CHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21263 of 2022

Date : 01/12/2022

RK/BUC/SAR-2 (08/12/2022) 3P/5C