



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22478 of 2022

E.Vibin

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.22/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramakrishna Dass.N.S., Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.22/2022 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 06.06.2022 for the offences punishable under Sections 376 AB, 376(2) (n) of IPC and 4 3(a), 6, 5(1), 5(m), 5(n), 10, 9(i), 9(m), 9(n) of POCSO Act, in Crime No.22 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that every year, the victim girl came to the petitioner's house for forefather death anniversary, at that time, the petitioner misused and had sexual intercourse with the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is a second petition for bail and the earlier petition was dismissed in Crl.OP(MD)No.17172 of 2022, on 26.09.2022, with a direction to conclude the trial, within a period of four months, from the date of receipt of copy of the order. Since there is no progress in the trial, the petitioner's petition has been filed for bail.



4.The learned Additional Public Prosecutor would submit at the earlier petition was dismissed on 26.09.2022, with a direction to conclude the trial, within a period of four months and the said time limit is not yet lapsed and as such, this petition is a premature one. Hence, prays to dismiss the petition.

5.Taking into consideration the facts and circumstances of the case, this Criminal Original Petition stands dismissed, since the stipulated time is not yet lapsed.

sd/-

20/12/2022

/ TRUE COPY /

/01/2023

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

PNM

TO

- 1 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MARTHANDAM, KANYAKUMARI DISTRICT.
- 2 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22478 of 2022

Date :20/12/2022

RS/MMS/SAR.(03.01.2023) 2P-4C