



WEB COPY



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

Date : 19/12/2022

PRESENT

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

CRL OP(MD) . No.22422 of 2022

Vignesh

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.11/2022).

... Respondent/Complainant

For Petitioner : M/s.Dhana Chandra Prakash.D,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Bail in Crime No.11/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 03.07.2022 for the offence punishable under Sections 5 (1), 5(n), 5(j)(ii) r/w. 6 of POCSO Act 2012 in Crime No. 11 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused had committed penetrative sexual assault on the victim girl, who is aged about 17 years and as a consequence, the victim girl became pregnant. 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. He further submitted that it is a second bail petition and the earlier petition filed by the



petitioner was dismissed by this Court on 01.11.2022 and the investigation of the case was completed and the charge sheet has also been taken on file in Spl.S.C.No.122 of 2022 and the petitioner is in judicial custody from 03.07.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a second bail petition and the earlier petition filed by the petitioner was dismissed by this Court on 01.11.2022 in CrI.O.P(MD).No.19296 of 2022 with a direction to dispose of Spl.S.C.No.122 of 2022, within a period of three months. In the circumstances, the petitioner has filed the second bail application seeking bail and hence, he strongly opposed to grant bail to the petitioner.

5. I have heard and perused the materials on record. Taking into consideration of the facts and circumstances and that there is no change of circumstances after the dismissal of earlier petition and that the time given by this Court for disposing the Spl.S.C.No.122 of 2022 has not lapsed so far, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed. However, the trial Judge is directed to strictly comply with the condition imposed by this Court in CrI.O.P(MD).No.19296, dated 01.11.2022

Sd/-

19/12/2022

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/01/2023

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

TRP

TO

1. THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, 2012) SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SIVAKASI, VIRUDHUNAGAR DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22422 of 2022

Date :19/12/2022