



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

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

CRL OP(MD). No.22930 of 2022

Palanisamy

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
AWPS-Tallakulam Police Station,
Madurai District.
Crime No.58 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vasanth Yugesh S,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.58 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.09.2022, for the offences punishable under Sections 9(m) and 10 of POCSO Act, in Crime No.58 of 2022, seeks bail.

2.The case of the prosecution is that on 17.09.022 at about 6.30 pm, the defacto complainant's minor daughter was sexually assaulted by the petitioner, while she was playing opposite to her house. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution and he has been falsely

<https://www.mhc.tn.gov.in/judis>



implicated in this case. He further submitted that the petitioner is in judicial custody from 19.09.2022 and hence, prays for bail.

4. The learned Additional Public Prosecutor would submit that 164 Cr.P.C., Statement of the victim was recorded and she has categorically stated about the acts committed by the petitioner in the statement. He further submitted that investigation of the case has been completed and the final report was taken on file in C.C.No.293 of 2022 before the Court below and the case is posted for framing charges and hence, prays to dismiss the petition.

5. Heard both sides and perused the materials on record. Taking into consideration of the facts and circumstances of the case and that the serious nature of allegations levelled against the petitioner and that the case stands posted for framing charges, this Court is not inclined to bail to the petitioner for the present.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

23/12/2022

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/01/2023

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

trp

TO

1. The Inspector of Police,
AWPS-Tallakulam Police Station,
Madurai District.

2. The Superintendent, Central Jail, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.22930 of 2022

Date : 23/12/2022

RS/VR/SAR.1(03.01.2023) 2P-4C