



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23266 of 2022

Mohan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Thiruppathur All Women Police Station,
Sivagangai District
(Crime No.16 of 2022).

... Respondent/Complainant

For Petitioner : Ms.Aju Tagore.P,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

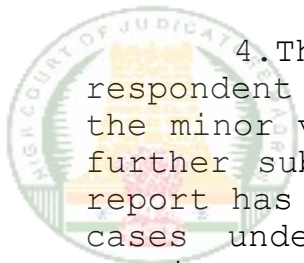
PRAYER :-For Bail in Crime No.16 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 25.10.2022 for the offences punishable under Sections 9(m)r/w.Section 10, U/s.7 r/w.Section 8 of Protection of Child from Sexual Offences Act,2012 in Crime No.16 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was running a petty shop and when the victim girls went to the shop to buy things the petitioner herein mis-behaved with the victim girl Hence the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 25.10.2022, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein mis-behaved with the minor victim girls who went to the shop to buy things. He would further submit that the investigation has been completed and final report has been laid before the Special Court for Exclusive trial of cases under POCSO Act, Sivagangai and it is yet to be taken cognizance. He would further submit that the petitioner and one of the victim belong to the same village and if the accused is released on bail, there is a possibility of threatening the victims. Hence he opposed to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report including the statement recorded under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and also the role played by the petitioner this Court is not inclined to grant bail to the petitioner.

7. Hence the petition stands dismissed. However the learned Sessions Judge, Special Court for Exclusive trial of cases under the POCSO Act, Sivagangai is directed to take the final report on file, if it is in order and complete the examination of victim within a period of one month from the date of taking the final report on file.

sd/-

28/12/2022

/ TRUE COPY /

29/12/2022

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

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER THE POCSO ACT, SIVAGANGAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
THIRUPPATHUR ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT

+1 CC to M/s.P.AJU TAGORE, Advocate (SR-15666[I] dated 28/12/2022)

ORDER

IN

CRL OP(MD) No.23266 of 2022

Date :28/12/2022

AAV

MK/SKN/SAR 2/29.12.2022/2P/5C

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