



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.425 of 2023

Muthupandi

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Theni District.
In Crime No.14 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Safar Badhusha.K,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.14 of 2022 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 31.03.2022 for the offences punishable under Section 3 r/w.4(2), 5(i)(ii), 5(n), 6 of POCSO Act 2012 and 19(1) and 21 of POCSO Act, 2012 in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is as per the legal Probation Officer, Child Protection Unit, Theni District is that the accused who is the paramour of the mother of the victim/A2 had committed penetrative sexual assault on the victim aged about 12 years, due to which she became pregnant, hence the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given against him. He would further submit that major part of the investigation is over and the case has been taken up for trial, thereby he seeks bail for mobilizing funds and engaging counsel to defend the case.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is an offence of grave nature where the petitioner who is the paramour of the victim's mother had ravished a young girl aged about 12 years who is under in the custody of her mother and that the victim girl has also become pregnant. He would also submit that the charge sheet has been filed and taken on file in Spl.S.C.No.72 of 2022 on the file of the Sessions Court, Mahalir Neethimandram , Fast Track Mahila Court, Theni District and the case stands posted for engaging a legal aid counsel. He would further submit that since the petitioner had not engaged counsel the trial court had adjourned the case. He would further submit that 18 witnesses are examined in this case.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the taking into consideration the nature and gravity of offence committed by the petitioner this Court is not inclined to grant bail tot he petitioner.

7. Hence the Criminal Original Petition stands dismissed.

sd/-

11/01/2023

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/01/2023

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

AAV

TO

1 THE SUPERINTENDENT,
CENTRAL JAIL,
MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.425 of 2023

Date :11/01/2023