



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.1839 of 2023

Vincent

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District
(Crime No.32 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Christenson Jugunu.D,
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.32 of 2021 on the file of the respondent police

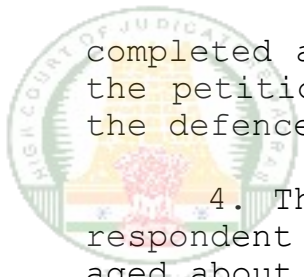
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 08.05.2021 for the offence punishable under Sections 366 of IPC @ Sections 419,366,506(i) of IPC and section 11 (4),12,5(1) and section 6 of POCSO Act in Crime No.32 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor victim girl from the lawful custody of her mother and taken her to Trivandrum and illegally confined her for three days and committed penetrative sexual assault, hence the case. The respondent police after completion of investigation filed final report and the same has been taken cognizance.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the trial has been





completed and the case has been posted for defence side with the petitioner has to take steps to let in evidence on the side of the defence and thereby he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is case where the petitioner who is aged about 54 years and the minor victim girl is aged about 17 years and the petitioner had taken the minor victim girl from the lawful custody of her mother to Trivandrum, kept in illegal custody and had ravished her. He further submit that in this case 21 witnesses have been examined. He would also submit that the victim and the mother of the victim who is the defacto complainant had categorically deposed about the incident and he would further submit that if the petitioner is granted bail at this stage, there is every possibility of absconding, hence he objected to grant bail to the petitioner. He would further submit that the petitioner is purposefully dragging the trial by not examining the witnesses.

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

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the heinous offence committed by the petitioner this court is not inclined to grant bail to the petitioner.

7. In the result, the Criminal Original Petition stands dismissed. However the learned Sessions Judge, Special Court for trial of cases under POCSO Act, Kanyakumari at Nagercoil is directed to dispose the case as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

sd/-
31/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT (CRIME NO.32 OF 2021)
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAS BENCH OF MADRAS HIGH COURT,
MADRURAI.



Copy to
THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.



WEB COPY

MGJ/SAR3(04.02.2023) 3P 5C

ORDER

IN

CRL OP(MD) No.1839 of 2023

Date :31/01/2023