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CRL OP(MD).



23

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

Date : 15/02/2023

PRESENT

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

CRL OP(MD) . No.2961 of 2023

Mathan ... Petitioner/16th Accused
Vs
The Inspector of Police,
All Women Police Station, Karur.
(Crime No.45/2022). ... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

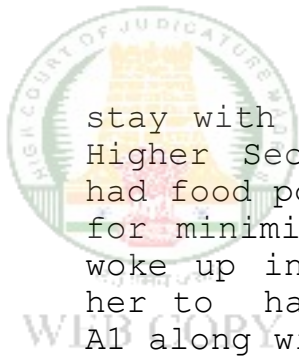
PRAYER :-

For Bail in Crime No.45/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A16, who was arrested and remanded to judicial custody on 11.01.2023 for the offence punishable under Sections 342, 376, 506(i) and 34 of IPC and Section 4,6,5(1) and 11 (5) and 17 of Protection of Child from Sexual Offence Act, 2012, Section 3(2)(a),4 (1), 5(1)(a) of Immoral Traffic (Prevention) Act 1959 and Section 77 of Juvenile Justice (Care and Protection of Children)Act, 2015 in Crime No.45 of 2022 on the file of the respondent police, seeks bail.

2. The complaint has been lodged by the social worker of an NGO for Children Protection in Karur District. The case of the prosecution is that the victim girl who is aged about 15 years had lost her parents nine years back and thereafter she was under the care and protection of her elder sister. On 14.05.2022, A1 who is a known person from their neighbour hood offered to help the victim girl by providing education along with her daughter. The further allegation is that A1 took the victim girl to her home and made her



stay with her daughter and the victim got admission in [redacted]s Higher Secondary School, Pasupathipalayam and one day the victim had food poison and fell ill, for which A1 gave juice to the victim for minimizing her pain but after drinking the juice the victim woke up in another place and realized that A1 had spiked and made her to have bodily relationship with an unknown person. Further A1 along with other persons namely Vinoth, Mayavathi and Megala had abused and threatened the victim by saying that they will do away with her sister's life if she reveals the incident to any one. By keeping on threatening A1 inducted her into prostitution. However the victim managed to escape with the help of her sister had approached the defacto complainant based on which the present case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that even as per the First Information Report, the victim girl had named only Vinoth, Mayavathi and Megala and the petitioner's name does not find place in the First Information Report. He would further submit that other than the allegation that the petitioner along with other accused had gone to the place of occurrence and threatened the victim girl and her sister no other allegation has been levelled as against the petitioner under the POCSO Act. He would further submit that the petitioner is in judicial custody from 11.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a very pathetic case where the main accused in the guise of helping a parentless child aged about 15 years had inducted her into prostitution. Later by threat they have continued to involve her in prostitution by engaging several customers. The accused persons have ravished the life of the young girl who is now under severe trauma. The petitioner knowing well that the victim is a minor girl and that the accused had inducted her in prostitution had supported them and had threatened the sister of the victim. He would further submit that the petitioner was arrested only on 11.01.2023 and the case is at the initial stage of investigation. He would further submit that there are several accused who have sexually abused the victim and so far the respondent police has arrested 17 accused and the victim has also mentioned about several other persons and they have to be secured.

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 also taking into consideration the gravity offence committed by the petitioner and that the investigation is in the nascent stage, this court is not inclined to grant bail to the



7. Hence the Criminal Original Petition stands dismissed.

sd/-
15/02/2023

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

AAV

TO

1. The Inspector of Police,
All Women Police Station, Karur.
2. The Officer Incharge,
Sub jail,
Karur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.8635 (F)

ORDER
IN
CRL OP(MD) No.2961 of 2023
Date :15/02/2023

VA/VS/SAR-2/27.02.2023/2P/5C