



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3409 of 2023

WEB COPY

Sivayogaraja

...Petitioner/Sole Accused

-VS-

The State represented by
The Inspector of Police,
All Women Police Station,
Kanyakumar.
Kanyakumari District.
(in Cr.No.31 of 2022)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.31 of 2022 on the file of the Respondent
Police.

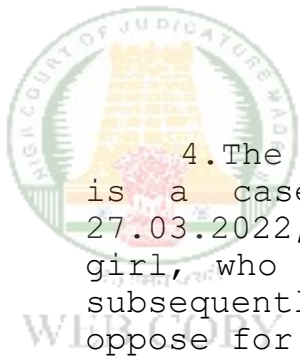
For Petitioner	: Mr.A.Prasanna Rajadurai, Advocate
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Sections 342 of IPC and Section 3(A), 4, 5(j)(ii) and 6 of POCSO Act in Crime No.31 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 27.03.2022, the accused has committed penetrative sexual assault on the victim girl due to which, she became pregnant and subsequently, delivered a child. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. He would further submit that the investigation has been completed and the case has been taken up in S.S.C.No.125 of 2022 and the case stands posted for 02.03.2023. Hence, he would seek for bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that it is a case where, the petitioner, who is a married man, on 27.03.2022, had committed penetrative sexual assault on the victim girl, who is aged 17 years, due to which, she became pregnant and subsequently, delivered a child. Therefore, he would strongly oppose for grant of bail to the petitioner.

5.Considering the submission made by the learned Additional Public Prosecutor and also considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
22/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
- 2 THE OFFICER INCHARGE,
SUB JAIL,
NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3409 of 2023
Date :22/02/2023

VA/RG/ (03.03.2023) /2P/4C