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CRL OP(MD).



23

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

Date : 21/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5292 of 2023

Vasanthkumar

... Petitioner/Accused No.8

Vs

The State Rep.by
The Inspector of Police,
Devakottai All Women Police Station,
Sivagangai District.
Cr.No.1/2023.

... Respondent/Complainant

For Petitioner : M/s.Sathiya Singh K,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Bail in Crime No.1/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

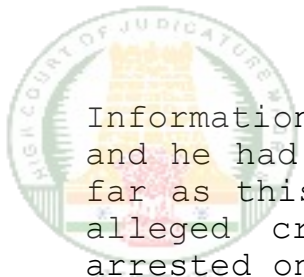
The petitioner/A8, who was arrested and remanded to judicial custody on 12.02.2023 for the offence punishable under Sections 5(1) r/w.section 6 of POCSO Act,2012 in crime No.1 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein on false promise had committed sexual intercourse with her several times, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report and also the statement of the victim recorded under section 164 of Cr.P.C.

4. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged occurrence as alleged in the First Information Report. As per the First

<https://www.ninegods.in/judis>



Information Report one Karthick fell in love with the victim girl and he had committed sexual assault on the minor victim girl. In so far as this petitioner is concerned he is no way connected with the alleged crime. He further submitted that the petitioner was arrested on 12.02.2023.

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5. A perusal of the statement recorded under section 164 of Cr.P.C reveals that one Karthick had taken video of the victim girl aged about 17 years and thereafter he has posted the same in the instagram and had given one phone to her. Thereafter the said phone number was posted in the instagram and all the other persons like the petitioner who were in contact had exploited the videos which was posted in the instagram. In this case two juvenile were also involved and they also committed penetrative sexual assault in the minor victim girl. Further the victim has lost her mother and his father is a drunkard. Using the poverty of the victim, the accused persons has exploited the minor victim and had penetrative sexual assault on the minor victim on several occasions. Further the petitioner and some of the other accused persons have committed a very serious and heinous offence as against the minor victim girl, hence this Court is not inclined to grant bail to the petitioner.

6. Hence the petition stands dismissed.

sd/-

21/03/2023

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/03/2023

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

TO

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

ORDER

IN

CRL OP(MD) No.5292 of 2023

Date :21/03/2023

AAV

PKP/MMS/SAR 3/28.03.2023 2P 4C