



WEB COPY

CRL OP(MD).



23

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

Date : 24/03/2023

PRESENT

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

CRL OP(MD) . No.5437 of 2023

A.Mohan

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
(Cr No.14/2022).

... Respondent/Complainant

For Petitioner : M/s.Mohamed Rafi M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
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 /sole accused who was arrested and remanded to judicial custody on 18.07.2022 for the offences under sections 5(i), 5(j)(ii) and 6 of POCSO Act,2012 and 506(i) of IPC in Crime No.14 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the accused is the cousin brother of the victim girl. On 16.07.2022 it was found that the victim girl was pregnant and on enquiry by her mother, the victim girl stated that on 23.01.2022 at 11.00 pm., the accused had taken her to the backside of the house and committed penetrative sexual intercourse repeatedly and threatened her not to disclose to anybody. Hence the case.



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

4. It is seen from the statement recorded under section 164 of Cr.P.C that the victim girl was aged about 14 years at the time of occurrence. The petitioner is none other than the maternal uncle son of the victim. The victim has no father and she is under the custody of her mother. Utilizing the said circumstances the petitioner had talked to her to come out of the house and had penetrative sexual assault on her due to which she became pregnant. He also threatened her with dire consequences not to disclose the fact to anybody. Only on medical check up it was found that she was found pregnant, hence the petitioner has committed very serious and heinous offence as against the minor victim, hence this Court is not inclined to grant bail to the petitioner.

5. In the result, the petition stands dismissed.

sd/-
24/03/2023

/ TRUE COPY /

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

AAV

TO

1. The Superintendent,
Central Prison, Madurai.
2. The Inspector of Police,
All Women Police Station, Samayanallur,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5437 of 2023
Date : 24/03/2023

NA/MMS/SAR-3/29.03.2023/2P/4C