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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.5302 of 2023

Periyasamy @ Azhaguraja

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Cr No.29/2023).

... Respondent/Complainant

For Petitioner : M/s.V.Kathirvelu, Senior Counsel
for M/s.Prabhu K, Advocate.

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

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

PRAYER :-

For Bail in Cr No.29/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 31.01.2023 for the offence punishable under Sections 366,294(b),324,506(ii) of IPC and section 5(1) and 6 of POCSO Act,2012 and section 67 B of Information Technology Act,2000 in crime No.29 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused on the false promise of marrying the minor victim had sexual intercourse and when the same was questioned the petitioner herein along with other accused abused the defacto complainant and also threatened with dire consequences, hence the case.



3. The learned senior counsel appearing for the petitioner would submit that there are three accused in this case in which the petitioner is arrayed as A1. There is love affair between the petitioner and the victim girl. Due to love affair they had physical affair. They are close relatives and belong to same community and the petitioner is ready to marry the victim when she attains majority. However the parents of the victim opposed the marriage and has given a false complaint against the petitioner and he was arrested and remanded to judicial custody.

4. 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.

5. A perusal of the statement recorded under section 164 of Cr.P.C reveals that the petitioner fell in love with the victim girl and on the pretext of love he compelled her to remove the dress and thereafter he had threatened her after showing the love letter and photos and later has sexual intercourse with the victim. He also threatened her that he will post the photos and love letter in the social media and had penetrative sexual assault on the minor victim once again. He also on another occasion had penetrative sexual assault on the minor victim girl, hence the petitioner has 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.

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TO

1. THE OFFICER IN CHARGE, SUB JAIL, PERIYAKULAM.

2 THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.5302 of 2023

Date :21/03/2023