



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

Date : 06/04/2023

PRESENT

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

CRL OP(MD) . No.6404 of 2023

Alagu Raja @ Samuvel

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Allinagarm Police Station,
Theni-Allinagaram,
Theni District.
(Crime No.50/2023).

... Respondent/Complainant

For Petitioner : M/s.Mahendran P,
Advocate.

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

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

PRAYER :-

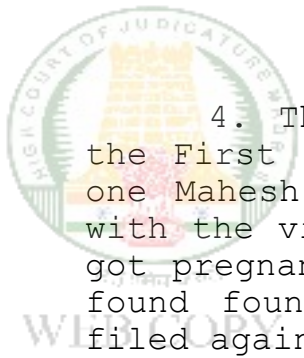
For Bail in Crime No.50 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 20.02.2023 for the offence punishable under Sections 366,376(3) of IPC and sections 5(1),5(g) and 6 of POCSO Act in crime No.50 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein along with other accused had committed aggravated penetrative sexual assault on the minor victim girl, 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 First Information Report does not say any overt act as against one Mahesh whereas alteration report says one Mahesh fell in love with the victim girl and had physical relationship, thereafter she got pregnant and confessed that on the date of occurrence she was found six weeks pregnant, therefore a false case has been filed against the petitioner and sought for bail.

5. On perusal of the statement recorded under section 164 Cr.P.C it is revealed that the victim girl was taken to Annanji Vilakku in an auto and was taken to the house of Muthukumar's sister where was administered liquor and taken to a remote place, where A1 to A3 committed penetrative sexual assault on the minor victim. She was also unconscious due to the inebriated condition. Thereafter her father came there and rescued her. Though the victim fell in love with the fifth accused and had physical relationship on the date of occurrence she was taken to remote place, administered liquor and the accused persons committed penetrative sexual assault on the minor victim, therefore he 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. In the result, the petition stands dismissed.

sd/-

06/04/2023

/ TRUE COPY /

/04/2023

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

AAV

TO

1. The Officer In-Charge, Sub Jail, Thekampatti, Kandamanoor, Andipatti Taluk.
2. The Inspector of Police, Allinagarm Police Station, Theni-Allinagaram, Theni District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.6404 of 2023
Date : 06/04/2023

NA/BUC/SAR-3/13.04.2023/2P/4C

<https://www.mhc.tn.gov.in/judis>