



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

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

CRL OP(MD) . No.6791 of 2023

E.Vibin

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Cr.No.22/2022.

... Respondent/Complainant

For Petitioner : M/s.Palani Velayutham S,
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. 22/2022 on the file of the Respondent Police.

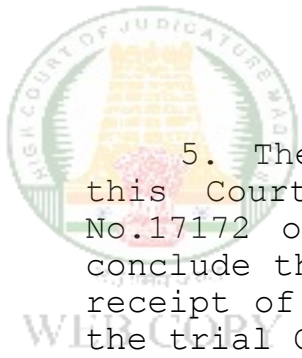
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 06.06.2022 for the offences punishable under Sections 376 AB, 376(2) (n) of IPC and 4, 3(a), 6, 5(l), 5(m), 5(n), 10, 9(i), 9(m), 9(n) of POCSO Act, in Crime No.22 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that every year, the victim girl came to the petitioner's house for forefather death anniversary, at that time, the petitioner misused and had sexual intercourse with the victim girl. Hence, the complaint.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. From the statement recorded under section 164 of Cr.P.C from the victim it is revealed that the petitioner had committed aggravated penetrative sexual assault on the victim. That apart prosecution had already examined P.W.1 to P.W.9 and the case stands posted for examination of other witnesses.



5. The learned counsel for the petitioner would submit that this Court while dismissing the earliar petition in Crl.OP(MD) No.17172 of 2022, on 26.09.2022, had directed the trial court to conclude the trial, within a period of four months, from the date of receipt of copy of the order and the trial court had not completed the trial Court and sought for bail.

6. It is seen that after framing of charges the trial Court had conducted trial and so far examined P.W.1 to P.W.9, therefore there is no delay in completing the trial, hence this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-

17/04/2023

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/04/2023

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

AAV

TO

1 THE JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.

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

ORDER IN

CRL OP(MD) No.6791 of 2023

Date :17/04/2023

SA/MMS/SAR.4/21.04.2023/2P/5C