



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

Date : 19/04/2023

PRESENT

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

CRL OP(MD) . No.7239 of 2023

T.Murugan @ Guruseli

... Petitioner/Sole Accused

Vs

State through Rep by
The Inspector of Police,
Sanarpatty Police Station,
(Crime No.24/2023)
Dindigul District.

... Respondent/Complainant

For Petitioner : M/s.Mohamed Ayyadurai.N,
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.24/2023 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 20.01.2023 for the offence punishable under Sections 506(i) of IPC, sections 5(j)(ii), 5(l) r/w. 6 of POCSO Act, 2012 in crime No.24 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein had committed aggravated penetrative sexual assault on the victim on several occasions due to which she got pregnant and later it was aborted, 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 appearing for the petitioner submit that the petitioner is no way connected with the alleged occurrence as alleged by the prosecution. There was delay in the lodgement of the complaint. Even according to the victim the occurrence had taken place on 25.11.2022 and 26.11.2022, whereas complaint was lodged only on 20.01.2023. There is absolutely no explanation by the prosecution for delay in the lodgment of the complaint. That apart the petitioner never committed any penetrative sexual assault on the victim since he is married man and he is the father of two children. Further the respondent police completed investigation and filed final report. As per the final report 5-6 weeks pregnancy was aborted and sent for DNA, Even till now the respondent failed to receive the DNA report since the petitioner was not the reason for the pregnancy. Even assuming that the case of the prosecution is true the alleged occurrence had taken place on 24.11.2022 and on 28.01.2023 the pregnancy was aborted which was 5-6 weeks, it is not possible for 5-6 months pregnancy, therefore he seeks bail.

4. A perusal of the statement of the victim recorded under section 164(3) of Cr.P.C reveals the fact that on three occasions by threatening with knife the petitioner had committed aggravated penetrative sexual assault on the minor victim who is aged about 16 years, due to which she became pregnant and later it was aborted. All the grounds raised by the petitioner can be considered only during cross examination of witnesses Further the victim in her statement had clearly stated that the petitioner had only committed aggravated penetrative sexual assault . Though the respondent completed investigation and filed final report, taking into consideration the grievous offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

5. Hence the petition stands dismissed.

sd/-

19/04/2023

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/04/2023

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

AAV

TO

1. The Officer In-Charge, District Jail, Dindigul.

2. The Inspector of Police,
Cannanore City Police Station, Dindigul District.

<https://www.mhcc.madras.gov.in>



CRL OP(MD).



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL OP(MD) No.7239 of 2023
Date : 19/04/2023

NA/BUC/SAR-3/25.04.2023/3P/4C