



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

Date : 06/06/2023

PRESENT

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

CRL OP(MD) . No.9219 of 2023

Raja Mohammed

... Petitioner / Accused No.3

Vs

State rep by
The Inspector of Police,
CBCID, Sivagangai District,
Sivagangai.
(Crime No.1 of 2023).

... Respondent / Complainant

For Petitioner : Mr.R.Singaravelu
Senior Counsel
for Mr.K.Paramaraj, Advocate.

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

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

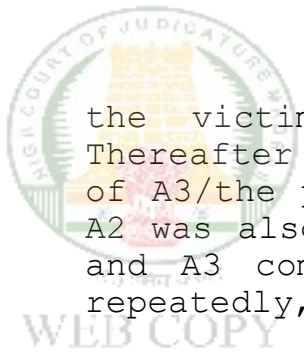
PRAYER :-

For Bail in Crime No.1/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 03.03.2023 for the offence punishable under Sections 363, 366(A), 376(3) and 5(i)(c), 6, 16 and 17 of POCSO Act in crime No.1 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 15 years old and studying VIII standard in a private school at Paramakudi. A5 in this case who is much elder than the victim moved together freely. A4 is the real estate broker who worked for A1. A5 introduced the victim girl to A4 and A4 lured the victim to come to Parthibanoor where the owner of A5's real estate company (A1) resided stating that he will provide all the needful to the victim. Hence on 26.12.2022 A1 took the victim to the marriage hall at Parthibanoor and there he committed penetrative sexual assault on



the victim with the assistance and abetment of A4 and A5. Thereafter on 12.02.2023 A4 and A5 again took the victim in the car of A3/the petitioner herein bearing Reg. No. TN 64 G 1206 in which A2 was also there. The victim was taken to the same hall where A2 and A3 committed penetrative sexual assault on the minor victim repeatedly, 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. It is seen that the petitioner had earlier moved an application for bail before this Court in Crl.O.P.(MD) No.7716 of 2023 and this Court considering the submissions made by the learned counsel on either side, had dismissed the said application on 25.04.2023.

5. The learned Senior Counsel for the petitioner would submit that A1 was already granted bail by the District Court.

6. It is seen that A1 was already granted bail by the District Court and on perusal of the order passed by the District Court, the reasons stated by the District Court is not satisfied for grant of bail to the accused.

7. Taking note of above facts and circumstances of the case and also taking note of the fact that there is no change in circumstances of the case to consider the present bail petition even after dismissal of the petition, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the petition is dismissed.

sd/-
06/06/2023

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/06/2023

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

SJI

To

1. The Inspector of Police,
CBCID, Sivagangai District,
Sivagangai.

2. The Officer Incharge,
District Jail, Ramanathapuram.

<https://www.mhcn.org/jud>



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.9219 of 2023

Date :06/06/2023