



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2023

PRESENT

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

CRL OP(MD). No.10059 of 2023

M.Muthukumar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli District.
Crime No.2 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar C,
Advocate.

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

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

PRAYER :-

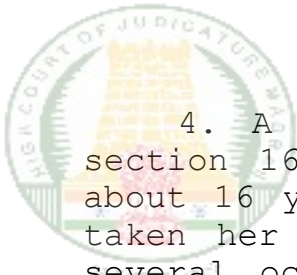
For Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.02.2023 for the offences punishable under Sections 366-A and 417 IPC and Sections 5(1) and 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, by giving false promise to marry the victim girl, had sexual intercourse with her on several times. Thereafter, the petitioner refused to marry the victim girl and went with another girl. Hence, the case.

3. Heard both sides and perused the materials available on record including the First Information Report and the statement of the victim recorded under section 164 of Cr.P.C.



4. A perusal of the statement of the victim recorded under section 164 of Cr.P.C reveals the fact that the victim is aged about 16 years and on the pretext of marriage the petitioner had taken her and had committed penetrative sexual assault on her on several occasions, due to which she got pregnant. Thereafter the petitioner had administered some medicine due to which the pregnancy was also aborted and later he abandoned her and about to marry another women. Further there is no also change in circumstances of the case to consider the present bail petition even after dismissal of the earlier petition, hence this Court is not inclined to grant bail to the petitioner.

5. In the result, the petition stands dismissed.

sd/-

09/06/2023

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/06/2023

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

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TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUNELVELI TOWN,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10059 of 2023

Date :09/06/2023

SS/CG/13/06/2023/2P/4C