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

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.12033 of 2023

Niyaz

... Petitioner/Accused No.2

Vs

State represented by,
The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.
(Crime No.205 of 2023).

... Respondent/Complainant

For Petitioner : Mr.C.Anbu, 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.205/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 04.05.2023 for the offences under Sections 366, 366(A), 342 and 367 of I.P.C and 5(1) r/w 6(1) of POCSO Act, 2012 in Crime No.205 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that initially the FIR was registered for the offence under 'girl missing' on 01.05.2023 and later, it was altered to kidnap and POCSO offences. The first accused, namely Mubarak Ali, introduced himself as Santhosh to the victim girl and kidnapped her and she was taken to Vellore District initially and thereafter to Bangalore and was subjected to sexual abuse. Further, the petitioner and third accused had



facilitated the same. Based on the complaint preferred by the grandmother of the victim girl, F.I.R has been registered against the petitioner and two others.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working under the third accused, who was the owner of Ambur Biryani in Bangalore which also consists of hotel rooms. The first accused came to Bangalore along with the victim girl and stayed in their hotel. Later, after a week, the first accused left the victim girl lonely in the hotel and absconded. The petitioner and third accused in human tendency enquired about the victim and finally decided to send off the victim girl to their native home and took a train ticket for the victim girl at Bangalore Railway Station. Based on the cell phone location of the victim girl, the respondent secured the victim girl while she proceeded to her native home with the help of the petitioner and third accused and prayed for granting bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the statement of the victim girl under Section 164 of Cr.P.C was recorded, the medical report of the petitioner is yet to be received, and the investigation is still pending, and the petitioner would tamper the evidence if he is released on bail.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.It is seen that there are totally three accused, in which the petitioner is arraigned as Accused No.2. Through a phone call, the first accused contacted the minor victim girl and informed her that he fell in love with her. On the pretext of love, he kidnapped the minor victim girl to Bangalore and stayed in the room. The victim girl came to know that the first accused was a married person and raised objections. Thereafter, the petitioner and third accused committed sexual assault on her. The victim girl was left in a lurch and rescued by the respondent. Therefore, the petitioner has committed a very serious and heinous crime against the victim girl and as such, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

30/06/2023

/ TRUE COPY /

/07/2023

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



TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE SATION, MANAPPARAI,
TRICHY DISTRICT,
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12033 of 2023

Date :30/06/2023

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