



CRL OP(MD). No.13191 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13191 of 2023

Thangapandi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Singampunari Police Station,
Sivagangai District
Crime No.60/2023.

... Respondent/Complainant

For Petitioner : M/s. VIJAY NIVAS.SP,

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.60 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 13.04.2023 for the offence punishable under Sections 5(l) r/w. 6 of POCSO Act, 2012 in crime No.60 of 2023 on the file of the respondent police, seeks bail.

2.This is the second petition for bail. The earlier petition was dismissed



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by this Court on 14.06.2023, considering the grievous allegation made against the petitioner. Now, seeking bail this petition has been filed, since he is ready to marry the victim.

3.The learned Additional Public prosecutor would submit that as per the statement of the victim, she has discontinued her studies and stayed at home. At that time, she has developed an affair with the petitioner. When the same was came to the knowledge of the victim's parents, they arranged marriage with some other person. Therefore, the victim eloped with the petitioner and went to several places. The petitioner had committed sexual assault against the victim. In this case, charge sheet has been filed before the concerned Court and the same was not taken on file. Hence, prays to dismiss the petition.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5.Perusal of records reveal that during the course of investigation as per medical examination of victim her hymen was not found intact. On that basis, the complaint has been registered agaisnt the petitioner. Though the petitioner is ready to marry the victim, she is aged about 16 years, the marriage is not possible in near future.

6.Considering the above facts and circumstances of the case, vehement



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objection raised by the learned Additional Public Prosecutor, this Court is of the view that if he is released on bail then he may abscond and hamper the trial. This Court is not inclined to grant bail to the petitioner, though this is the second petition for bail.

7. Accordingly, this Criminal Original Petition stands dismissed. Considering the readiness of the petitioner to marry the victim, he can revive his bail petition, after examination of PW1.

sd/-
19/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO
1 THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT
2 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13191 of 2023
Date :19/07/2023

SA/BUC/SAR. /26.07.2023/3P/4C
Madurai Bench of Madras High Court is issuing
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