



CRL OP(MD). No.15443 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15443 of 2023

Dharmar,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station, Kamuthi,
Ramanathapuram District.
Crime No. 5 of 2022.

... Respondent/Complainant

For Petitioner : M/s.JEYARAM.A,
Advocate.

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

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

PRAYER :- For Bail in Crime No. 5 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 26.04.2022 for the alleged offence under Sections 363, 294(b), 506(i) of IPC and 5(k), 5(l), 5(m) and 6 of POCSO Act, in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's younger daughter is a mentally retarded child. She was given treatment regularly; Studying 5th standard in Panchayat Union Primary School. On 25.04.2022 at about 4.30 p.m., out



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of the school time, she returned to the house and was attending natural call on the back side of the house. At that time, her elder daughter namely Durka Devi was standing. The accused person at that time alleged to have made bad sign to the younger daughter in an indecent manner. The elder daughter shouted. On enquiry, the younger daughter disclosed that for several times she was subjected to sexual harassment by the accused. On the basis of the above said occurrence, the case was registered.

3.After completing the investigation, final report has been filed. The petitioner moved bail application before this Court in CrI.O.P.(MD).No.11167 of 2023. That was dismissed by the order dated 22.06.2023, considering the gravity of the allegation against the petitioner and the mental illness of the child. Again, seeking bail, this petition has been filed on the ground that he is in custody, ever since from the date of arrest and aged about 58 years. The trial process has commenced and so far 5 witnesses have been examined. So far only 2 witnesses were cross examined.

4.This Court is not in position to understand the grievance of the petitioner, even It has been stated that he was admitted in Government Rajaji Hospital on 20.08.2022 and discharged on 27.08.2022. After surgery and detention period is also over, this petition has been filed. Without cross examination of remaining witnesses, this petition has been filed by the petitioner. Considering the gravity of the allegation



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against the petitioner, if he is released on bail, there is every likelihood of tampering of evidence & hampering the trial process. The victim girl happened to be a special child. I find no reason to enlarge the petitioner on bail now.

5. Let the trial process be completed by the trial Court, within a period of three months from the date of receipt of a copy of this order.

6. With the above said directions, this criminal original petition stands dismissed.

sd/-
25/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
1 THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), RAMANATHAPURAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KAMUTHI,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.15443 of 2023
Date :25/08/2023

SA/JGB/SAR. /07.09.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.