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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16682 of 2023

Jeyaseelan,

... Petitioner/ Accused

Vs

State rep. by its
The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
Crime No.11 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Maya Perumal S,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.11 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused who was arrested and remanded to judicial custody on

<https://www.mhc.tn.gov.in/judis>



22.06.2023, for the offences punishable under Section 376(3) of IPC and Section 7 read with 8 and 5(1), 5(j)(ii) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.11 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was married to one Palaniyammal in 2003 and a female child was born to them in the year 2009. In 2019, because of some difference of opinion, the said Palaniyammal separated from him along with the child and living at Rasapatti. Later, she had some sort of relationship with one Jeyaseelan and living with him along with the child. In spite of repeated request, she did not return to the matrimonial home. On 24.04.2023 the defacto complainant's female child alone came to his house and informed him that she is not willing to live with his mother. On 20.06.2023, his daughter has stated that she is suffering from stomach pain and she was taken to hospital, where she was diagnosed and found three months pregnant. On enquiry, she revealed that this petitioner is responsible for her pregnancy. On that basis the present case was registered.

3. The learned counsel appearing for the petitioner would submit that he is an innocent, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent would

<https://www.mhc.tn.gov.in/judis>



submit that considering the grievous nature of the allegations levelled against the petitioner, the earlier application came to be dismissed on 18.08.2023.

5. The learned counsel for the petitioner submitted that final report in this case has been filed before the concerned Court and he is ready to stay away from the occurrence place.

6. Considering the gravity of offence and that if the petitioner is released on bail, he will abscond or he will tamper the evidences the offences cannot be taken lightly. There shall be a direction to the trial Court to commence the trial process and after examination of the material witnesses are over, the petitioner can revive the application before the concerned Court without making reference to this Court.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/09/2023

/ TRUE COPY /

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

pnn



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TO

1 THE OFFICER INCHARGE
DISTRICT PRISON
VIRUDHUNAGAR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SATTUR,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16682 of 2023

Date :14/09/2023

SSA/JGB/22.09.2023/4P/4C

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