



CRL OP(MD). Nos.19226 and 19227 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). Nos.19226 and 19227 of 2023

Jothimurugan,

... Petitioner/ Accused 1
in both petitions

Vs

The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
Cr.Nos.766 & 767/2021

... Respondent/ Complainant
in both petitions

in both petitions:

For Petitioner : M/s.ANDIRAJ P,
Advocate.

For Respondent : Mrs.M.AASHA,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- To enlarge the petitioner/accused on bail in Spl.SC.Nos.3 and 4 of 2022 on the file of the learned Fast Track Mahila Court, Dindigul.

COMMON ORDER : The Court made the following order :-

The petitioner/A1 in Crl.O.P.(MD)No.19226 of 2023, who is facing trial in Spl.S.C.No.3 of 2022 on the file of the learned Fast Track Mahila Judge, Dindigul in

Crime No.766 of 2021 for the offence punishable under Sections 109 and 506(i) IPC



and Sections 7 and 8 of POCSO Act, seeks bail.

WEB COPY

2.The petitioner/A1 in CrI.O.P.(MD)No.19227 of 2023, who is facing trial in Spl.S.C.No.4 of 2022 on the file of the learned Fast Track Mahila Judge, Dindigul in Crime No.767 of 2021 for the offence punishable under Section 506(i) IPC and Sections 7, 8, 9(f), 10, 16 and 17 of POCSO Act, seeks bail.

3.In both the cases, the de-facto complainants were studying first year B.Sc., in the Nursing College of the petitioner and the petitioner is the Correspondent of the said College. The case of the prosecution, in CrI.O.P.(MD)No.19227 of 2023, is that on 15.09.2021 at the time of welcome day function for the first year students, the accused, by placing his hands on the hips of the de-facto complainant had attempted to misbehave and compelled her to take photographs. Furthermore, on 30.09.2021, after the birthday function of the petitioner, he directed the victim girl to bring a soap and place it in his room, at that time, the petitioner had misbehaved with the de-facto complainant. Hence, the case.

4.The case of the prosecution, in CrI.O.P.(MD)No.19226 of 2023, is that on 13.11.2021, after completion of awareness programme, the de-facto complainant went to the office of the petitioner for handing over the costumes, that though some other girls were present at that time, the petitioner had directed all other girls to leave that place and specifically directed the de-facto complainant to remain there and



thereafter, he misbehaved with her and also threatened her. Hence, the case.

WEB COPY

5.The learned counsel appearing for the petitioner would submit that three cases are registered against this petitioner, out of which, one case he was acquitted and the remaining cases are pending, ie., Spl.S.C.Nos.107 and 108 of 2023. In Spl.S.C.No.107 of 2023, the prosecution has filed an application to recall the witnesses L.W.3 to L.W.26, L.W.28 and L.W.37 unnecessarily and he drag on the proceedings. The another case in Spl.S.C.No.108 of 2023 is pending for examination of the Investigation Officer alone. In the present case, the petitioner is in custody from 08.04.2022. Therefore he prays bail.

6.When the matter is taken up for hearing, the learned Government Advocate (Crl. side) appearing for the respondent police objected to grant bail submitted that in Spl.S.C.No.108 of 2023, the victim has supported the prosecution case and hence, the petitioner is not entitled to release on bail.

7.Heard. Perused the materials available on record including the First Information Report.

8.On perusal of records, it is noticed that two cases are pending against the petitioner in Spl.S.C.Nos.107 and 108 of 2023. The prosecution has filed an application in Crl.M.P.No.606 of 2023 in Spl.S.C.No.107 of 2023 to recall the prosecution witnesses and the same was allowed on 09.10.2023 by the learned Judge. The another



case in Spl.S.C.No.108 of 2023 is pending for examination of the Investigation Officer.

WEB COPY

9. Under these circumstances, the case is at final stage and therefore, I am declined to grant bail to the petitioner.

10. The learned Fast Track Mahila Judge, Dindigul is directed to dispose of the case in Spl.S.C.Nos.3 and 4 of 2022 within a period of one month from the date of receipt of a copy of this order, without adjourning the case further.

11. With the above observations, these petitions are dismissed.

sd/-
03/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

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



WEB COPY



CRL OP(MD). Nos.19226 and 19227 of 2023

ORDER
IN
CRL OP(MD). Nos.19226 and 19227 of 2023
Date :03/11/2023

SA/DD/SAR. /17.11.2023/5P/5C

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