



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16498 of 2023

Prabudeva

... Petitioner/Sole Accused

Vs

State, represented by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.258 of 2023).

... Respondent/Complainant

For Petitioner : Mr.Senthilkumar R
Advocate.

For Respondent : B.Nambiselvan,
Additional Public Prosecutor

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

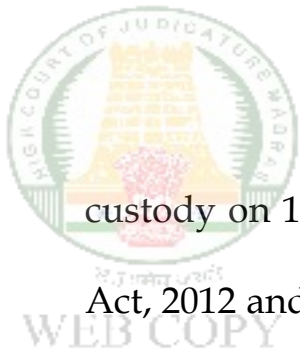
PRAYER :-

For Bail in Crime No.258 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested and remanded to judicial

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



custody on 14.07.2023, for the offences punishable under Sections 7 and 8 of POCSO Act, 2012 and Sections 305 r/w 511 of IPC in Crime No.258 of 2023, seeks bail.

2. The case of the prosecution is that the defacto complainant/ victim is studying in 11th standard in AV Joseph Government Higher Secondary School, Ittamozhi. On 16.06.2023, she returned to home after attending school and went for nature's call. At that time, the petitioner alleged to have come behind and sexually harassed her. Because of that incident, she attempted to commit suicide by pouring kerosene. That was prevented by family members. She was not taken to hospital because the neighbours informed that automatically kerosene will come out. On 19.06.2023, the above said occurrence came to the notice of the child welfare officer. Based upon which a case was registered.

3. The learned counsel for the petitioner would submit that the defacto complainant is in love affair with one person, that was seen by the petitioner and the petitioner informed the same to the victim's family members. The victim / defacto complainant was warned by her family members, upon which only, the suicide attempt said to have been taken place. Over the enmity, a false case has been foisted against the petitioner by the defacto complainant.



4. The learned Additional Public Prosecutor would submit that Charge Sheet has been filed, but it has not taken on file.

5. The earlier bail application was dismissed by this Court dated 16.08.2023, considering the grievous nature of allegation that is made against this petitioner. On the very same ground, this petition has been filed to the effect that because of information that is furnished to the parents of the victim over her love affair, false case has been given against him. The very same ground cannot be raised before this Court. Since, the Charge Sheet has been filed on 02.08.2023, there shall be direction to the Special Court for POCSO Act Cases, Tirunelveli to process the above said Final Report within the time stipulated as per rules. The petitioner can revive the application before the Special Court for POCSO Act Cases, Tirunelveli.

6. With the above said direction and liberty, this Criminal Original Petition is dismissed.

sd/-
12/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu



TO

1. The Judge
The Special Court for POCSO Act Cases, Tirunelveli.

2. The Superintendent, Central Jail, Palayamkottai,
Tirunelveli District.

3. The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.BHARATHI, Advocate (SR-13508[I] dated 12/09/2023)

ORDER
IN

CRL OP(MD) No.16498 of 2023
Date :12/09/2023

SSA/JGB/14.10.2023/4P/6C

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