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CRL OP(MD). No.15960 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15960 of 2023

Mathi,

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Thirumayam All Women Police Station,  
Thirumayam, Pudukottai District,  
Crime No.4/2023.

... Respondent/Complainant

For Petitioner : M/s.RAJESHKUMAR.R, 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.4/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 16.06.2023 for the alleged offence under Sections 3(b), 4(1), 5(1), 5(m) r/w 6(1) of Protection of Child from Sexual Offences Act, 2012 amendment Act 2019 and Section 506(1) of IPC, in Crime No.4 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant's version is the victim is aged about 8 years, who used to play in the house of the petitioner. On 22.05.2023 at about 10.30 a.m., as usual she played in the house of the petitioner. After



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returning from the above said place at about 10.30. a.m., she expressed the defacto complainant some sort of pain in her private part. Again that was repeated on 24.05.2023. At about 4.00 p.m., she was examined by her mother and found some sort of contusion. On that basis she made enquiry with the child. During the course of enquiry, the victim revealed that she was sexually harassed by the petitioner. On that basis a complaint was given by the defacto complainant and case has been registered and after investigation, this petitioner was arrested on 16.06.2023, even since in custody.

3.The learned counsel for the petitioner would submit that there is some civil dispute between the parties, over which a false complaint has been given.

4.The learned Additional Public Prosecutor would submit that the victim was also subjected to medical examination, in which, it was found that the hymen was not intact.

5.The earlier application filed by the petitioner was dismissed on the ground that Prima facie it is seen that she was subjected to penetrative sexual harassment, which cannot be taken lightly. Even though the petitioner is in custody for more than 90 days, considering the gravity of offence, this Court is not inclined to grant bail to the petitioner. I find no change of circumstances to entertain this petition. This petition deserves to be dismissed.



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6. Accordingly, this criminal original petition stands dismissed.

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

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TO

1 THE INSPECTOR OF POLICE,  
THIRUMAYAM ALL WOMEN POLICE STATION,  
THIRUMAYAM, PUDUKOTTAI DISTRICT.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

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

ORDER  
IN

CRL OP(MD) No.15960 of 2023

Date :20/09/2023

SA/JGB/SAR. /18.10.2023/3P/4C

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