



CRL OP(MD). No.16857 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16857 of 2023

Murugesan

... Petitioner / Accused No.2

Vs

State represented by
The Sub Inspector of Police,
All Women Police Station,
Keeranur,
Pudukkottai District,
Cr.No.26 of 2022.

... Respondent/Complainant

For Petitioner : M/s.P.GANAPATHI SUBRAMANIAN
Advocate.

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.26 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused was arrested and remanded to judicial custody on
24.07.2022 for the offences under Sections 363, 328 of IPC and Section 5(g) and 6(1) of

<https://www.mhc.tn.gov.in/judis> POCSO Act altered as Sections 363 of IPC and 5(g),6(1) of POCSO Amendment Act,



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2019, in Crime No.26 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.07.2022, one Indu Bharathi/A1, called the petitioner through her father's mobile number and asked her to come to the nearby temple to talk with her. She refused. He threatened her that he will come to her house if she will not come. The defacto complainant went to the place, where the first accused along with the petitioner herein / A2 were present. They took her to a nearby shed and forced her to drink a cool drink. Later, the defacto complainant went unconscious. At that time, the accused persons forcibly had sexual intercourse with her and dropped her near a railway gate. She called her brother and went to home with his help. Later, the incident was informed to her father and she was admitted in the Hospital, where the present complaint came to be filed.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent, he has committed any offence and he has been falsely implicated in this case.

4. Earlier application was dismissed by this Court on the ground that Act 14 has been invoked against the petitioner. He has been permitted to revive the petition at the appropriate time. After the time was over, the petitioner has moved the trial Court by filing Cr.M.P.No.889 of 2023 in Special S.C.No.65 of 2023, seeking bail that was dismissed by the trial Court, on the ground that now trial is going to commence



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on 14.09.2023. The petitioner is aged about 38 years and taking advantage of the immaturity of the child and love affair between the first accused and the victim, this petitioner alleged to have involved in sexual relationship.

5. Learned Additional Public Prosecutor would submit that on 15.09.2023, trial is going to commence because of the examination schedule of the victim girl it was posted on 22.09.2023.

6. Considering the seriousness and grievous nature of the allegations that has been committed by the petitioner, this court is not inclined to grant relief to the petitioner. If the petitioner is released on bail, he may abscond or tamper the witnesses.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
19/09/2023

/ TRUE COPY /

/10/2023

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

PNN
TO
1 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR,
PUDUKKOTTAI DISTRICT.

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



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

ORDER IN
CRL OP(MD) No.16857 of 2023
Date :19/09/2023

SA/MGA/SAR. /06.10.2023/4P/4C

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