



CRL OP(MD). No.16805 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16805 of 2023

D.Alagumalaikannan

... Petitioner/Sole Accused

Vs

State, represented by
The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
(Crime No.21 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.SELVARAJ,
Advocate.

For Respondent : B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.21 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein, who was arrested on 26.06.2023 for the alleged offence under Sections 3(a), 4, 5(m) and 6 of POCSO Act, 2012 and Section 506(ii) IPC, in Crime No.21 of 2023 on the file of the respondent Police, seek bail.



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2. The case of the prosecution is that on 30.04.2023 at 4.00 p.m., the victim and her sister went to outside the field of agriculture land to collect firewood. At that time, the petitioner secretly took away the victim to the backside of the School premises and committed penetrative sexual assault. When her mother questioned about the blood stained in her dress, she told about the sexual assault. Hence the complaint.

3. On the ground of contradiction between the statements of the victim girl and her sister and also on the ground of period of incarceration of 82 days, this petition has been filed. Apart from that it is submitted by the learned counsel for the petitioner that over land dispute, the above false complaint has been given.

4. Per contra, the learned Additional Public Prosecutor would submit that the victim is aged about 10 years and when she was attending her natural call, the above said misbehaviour in sexual manner occurred. Further, it is submitted that the Final Report has been filed before the Special Court for POCSO Act Cases, Madurai, and it was taken cognizance in Spl.S.C.No.144 of 2023, now it is posted for further proceedings on 21.09.2023.

5. Considering the serious nature of allegation that is made by the petitioner, this Court is not inclined to grant bail to the petitioner. If bail is granted to the



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petitioner, he may abscond or may tamper the evidences. Hence, this petition

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deserves dismissal and accordingly dismissed.

sd/-

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/09/2023

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

INDU
TO
1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
NAGAIAHPURAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.R.SELVARAJ, Advocate (SR-13738[I] dated 15/09/2023)

ORDER

IN

CRL OP(MD) No.16805 of 2023

Date :15/09/2023

SA/VRS/SAR. /27.09.2023/3P/6C

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