



CRL OP(MD)No.17719 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.17719 of 2023

1.Marimuthu @ Emilikuttan

2.Pandiselvam

3.Paulraj

4.Kaliraj

... Petitioners/ Accused No.1 to 4

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Kovilpatti,

Thoothukudi District.

(Cr.No.5 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.P.Senguttuarasan, Advocate

For Respondent : Mrs.M.Aasha, Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Crime No.5 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 01.07.2023 for the alleged offence punishable under Sections 3(a) r/w 4, 5(1)(n) r/w 6, 7 r/w 8 of POCSO Act, 2012 and Sections 363, 452 and 506(i) IPC in Crime No.5 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant in this case is a

minor girl. The first petitioner herein, who is uncle of the defacto complainant,

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compelled her to have physical relationship with him and when the defacto complainant taking bath, he took videographed the same by using mobile phone and he had forcible intercourse by threatening her. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the final report has not been filed within a period of 90 days. Therefore, the petitioners are entitled to get statutory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the final report has been filed with the time limit and yet to be taken on file. He would further submit that the petitioners are detained under Goondas Act. Hence, he seeks dismissal of this petition.

5.Heard both sides and perused the materials available on record.

6.On perusal of records, it is noticed that the offence committed by the accused persons is serious in nature and hence, this Court is not inclined to grant bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-

09/10/2023

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



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TO

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1 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

ORDER

IN

CRL OP(MD) No.17719 of 2023

Date :09/10/2023

RS/VRS/SAR-(26.10.2023) 3P 4C

Madurai Bench of Madras High Court is issuing
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