



CRL OP(MD)No.17901 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.17901 of 2023

Faheeth Ali @ Fahith Ali

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
AWPS-Thilagar Thidal Police Station,
Madurai City.
In Crime No.34 of 2023.

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanabhan
Senior Counsel
for M/S.APN Law Associates.

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

For Intervenor : M/s.Muthu Srimathi, Advocate
for M/S V.Ramakrishnan, Advocate

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

PRAYER :-

For Bail in Crime No.34 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the alleged offence punishable under Sections 5(1), 5(n), 5(m), 6 and 7 of the Protection of Children from Sexual Offences Act, 2012 and Sections 323, 506(1) IPC in Crime No.34 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein is the uncle of the victim girl, who is aged about 8 years old. He sexually assaulted her and when the same was questioned by the mother, who is the defacto complainant, he threatened her. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 14.07.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner being the uncle of the victim, sexually assaulted her and also threatened the defacto complainant. Hence, he strongly objected to grant bail to the petitioner.



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5.The learned counsel appearing for the intervenor would submit that the defacto complainant's husband died and she is staying with her parents. She used to send her children to her mother-in-law's home. At that time, the petitioner herein sexually assaulted the victim. When the defacto complainant questioned about the same, he threatened her with dire consequences. If the petitioner released on bail, he will again continue the offence. Hence, she strongly objected to grant bail to the petitioner.

6.Considering the facts and circumstances and considering the seriousness of the offence, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
09/10/2023

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

GNS

TO

1 THE INSPECTOR OF POLICE
AWPS THILAGAR THIDAL POLICE STATION,
MADURAI CITY.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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

+1 CC to M/s.V.RAMAKRISHNAN, Advocate (SR-14835[I] dated 09/10/2023)

ORDER

IN

CRL OP(MD) No.17901 of 2023

Date :09/10/2023

SS/VRS/18/10/2023/4P/5C

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