



CRL OP(MD). No.20900 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD). No.20900 of 2023

Sundarlingam

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Kanyakumari.

... Respondent/Complainant

For Petitioner : Mr.G. Mani Prabhu, Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in Special C.C No. 82 of 2022 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Special Court for Exclusive of Trial of Nagercoil, Kanyakumari District.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 06.10.2021 for the alleged offences punishable under Sections 366,450 and 506(ii) of IPC and Section 5(1),17,6,11(4),11(5) of POCSO Act,2012 in Special C.C No. 82 of 2022 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act,



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Special Court for Exclusive of Trial of Nagercoil, Kanyakumari District seeks bail.

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2.The case of the prosecution is that the first accused, who was aged about 31 years at the time of occurrence fell in love with the victim girl aged about 17 years. On 29.09.2021, at about 12.00 noon, the first and the second accused went to the house of the victim girl and kidnapped her with the help of the second accused and taken her to the Poultry Farm belongs to the third accused, where the first accused had committed aggravated penetrative sexual assault on the victim girl for a period of 7 days. Thereafter, the victim girl was rescued. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the main allegation is as against A1 and the petitioner is no way connected with the alleged crime. He would further submit that the petitioner is in custody from 06.10.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the first accused along with the petitioner herein has kidnapped the victim and first accused had committed penetrative sexual assault on the victim on several occasions. Further



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the petitioner herein has videographed the entire sexual assault. Further all the accused person after getting default bail had went to the house of the victim and threatened her with dire consequences and also compelled her to withdraw the case, hence she objected to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner accompanied the main accused during sexual assault and the further the petitioner herein videographed the entire sexual assault made by the first accused and threatened the victim that he will upload the same in the social media and also taking into consideration the heinous offence committed by the petitioner against the victim this Court is not inclined to grant bail to the petitioner..

6. Hence the petition stands dismissed.

sd/-
21/11/2023

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/11/2023
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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT,
SPECIAL COURT FOR EXCLUSIVE OF TRIAL OF NAGERCOIL,
KANYAKUMARI DISTRICT.
2. THE OFFICER IN CHARGE,
PRISON, KANYAKUMARI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.20900 of 2023

Date :21/11/2023

RK/DD (27/11/2023) 4P / 5C

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