



Crl.O.P.(MD)No.23065 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.23065 of 2022

Vasanthi

... Petitioner

Vs.

1.David @ Gilton David

2.State by Inspector of Police,
All Women Police Station,
Nanguneri
Crime No.19 of 2022

... Respondents

PRAYER : Criminal Original Petition filed under Section 439(2) r/w 482 of the Criminal Procedure Code, to cancel the bail order dated 10.11.2022 passed in Cr.M.P.No.3536 of 2022 on the file of the Sessions Judge, Special Court for POCSO Act cases, Tirunelveli.

For Petitioner : Mr.Ar.Jeyaruthran

For R1 : Mr.T.A.Ebinezer

For R2 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to cancel the bail order dated 10.11.2022 passed in Cr.M.P.No.3536 of 2022 on the file of the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli.

2.This petition is filed on the ground that the second respondent failed to produce the cell phone and videography, which was taken by the accused.

3.Crux of the complaint is that when the daughter of the complainant was taking bath, the first respondent herein taken photograph and videograph. Thereafter, he threatened her and when she shouted, he ran away. He was arrested on 24.10.2022. Therefore, the first respondent filed petition for bail. The Court below granted bail to him on the ground that the second respondent did not even produced the cell phone. That apart, there is civil dispute pending between both parties. The first respondent also duly complied with the conditions imposed by the Court below. However, the petitioner made allegations



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against the second respondent.

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4.The learned Additional Public Prosecutor appearing for the second respondent would submit that the cell phone was deposited before the Court below steps were taken to analyze the phone.

5.Therefore, this Court finds no ground to cancel the bail granted to the first respondent in Cr.M.P.No.3536 of 2022 dated 10.11.2022 by the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli. Accordingly, this criminal original petition is dismissed.

17.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Sessions Judge, Special Court for POCSO Act cases, Tirunelveli.
- 2.TheInspector of Police,
All Women Police Station, Nanguneri
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

3/5



Madurai.

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G.K.ILANTHIRAIYAN,J.

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