



CRL OP(MD). No.20535 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20535 of 2023

Kavirivel@ Kathirvel,

... Petitioner/Sole Accused

Vs

The state rep by

The Inspector of Police,

All Women Police Station, Sattur,

Virudhunagar District. Crime No. 10 of 2023.

... Respondent/Complainant

For Petitioner : R. Udhayakumar, Advocate.

For Respondent : Mrs.M.Aasha,

Government Advocate (Crl.Side)

PRAYER :-

To enlarge the petitioner on bail in Spl S.C no. 122 of 2023 on the file of the Special court for Exclusive trial of cases under POCSO Act, 2012 Virudhunagar District, Srivilliputhur (Full Additional Charge) pending trial in Crime No. 10 of 2023

ORDER : The Court made the following order :-

The petitioner / accused, who arrayed as accused were arrested and remanded to judicial custody on 12.10.2023 for the offences under Sections 452, 376(3), IPC and Section 5(j)(ii) r/w. 6 of POCSO Act, 2012 in Crime.No.10 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner herein trespassed into the house of the victim on 26.01.2023 at night hours and committed penetrative sexual assault on the victim, who is aged about 14 years and on the result of which, the victim became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner are in judicial custody from 27.05.2023 and seeks bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the the petitioner herein trespassed into the house of the victim on 26.01.2023 at night hours and committed penetrative sexual assault on the victim, who is aged about 14 years and on the result of which, the victim became pregnant. She would further submit that the investigation in this case has already been completed and the charge sheet was filed before the Special Court for POCSO Act, Virudhunagar District, Srivilliputur in S.C.No.122 of 2023 and he strongly opposed to grant bail to the petitioners.

5. Considering the facts and circumstances and also considering the serious nature of allegations made against these petitioners, this Court is not inclined to grant bail to the petitioners.



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6. Accordingly, this criminal Original Petition is dismissed. However, the trial Court is directed to dispose of the S.C.No.122 of 2023 pending on its file within a period of two months from the date of receipt of a copy of this order.

sd/-
16/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

3. The Superintendent, Central Prison, Madurai

+1 CC to M/s.R.UDHAYAKUMAR, Advocate (SR-16358[I] dated 16/11/2023)

ORDER
IN
CRL OP(MD) No.20535 of 2023
Date : 16/11/2023

KB(01.12.2023) 3P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.
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