



CRL OP(MD). No.22295 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.22295 of 2023

Muthu,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District.
Crime No.8 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.JOEL PAUL ANTONY A,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023 for the alleged offence punishable under Sections 5(g), 5(m) and 6 of POCSO Act, in Crime No.8 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The victim girl is aged about 8 years. On 14.05.2023, the petitioner along with another accused, committed the sexual assault upon the victim girl. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that even as per the 161(3) Cr.P.C., statement of the Medical Officer, there is no symptoms for sexual assault. Admittedly, the petitioner and the defacto complainant are neighbours. Due to previous enmity, the defacto complainant lodged the false complaint against the petitioner and the petitioner is in custody from 15.05.2023. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the victim girl is only aged about 8 years. The accused persons tied the mouth and hands of the victim girl with towel and thereafter, committed the offence. He would further submit that 164 Cr.P.C., statement of the victim girl is clearly disclosed the offence committed by the accused. Hence, he strongly objected to grant bail to the petitioner.

5. Considering the gravity of the offence committed by the accused, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is dismissed.

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

DSS

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.22295 of 2023

Date :11/12/2023

SA/JGB/SAR. /22.12.2023/3P/4C

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