



CRL OP(MD). No.712 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.712 of 2024

Dharmar

... Petitioner/ Accused

Vs

The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.
Crime No.5 of 2022..

... Respondent/Complainant

For Petitioner : Mr.A.Jeyaram,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.5 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 26.04.2022 for the



CRL OP(MD). No.712 of 2024

alleged offence under Sections 363, 294(b), 506(i) of IPC and 5(k), 5(l), 5(m) and 6 of POCSO Act, in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's younger daughter is a mentally retarded child. She was given treatment regularly; Studying 5th standard in Panchayat Union Primary School. On 25.04.2022 at about 4.30 p.m., out of the school time, she returned to the house and was attending natural call on the back side of the house. At that time, her elder daughter namely Durka Devi was standing. The accused person at that time alleged to have made bad sign to the younger daughter in an indecent manner. The elder daughter shouted. On enquiry, the younger daughter disclosed that for several times she was subjected to sexual harassment by the accused. On the basis of the above said occurrence, the case was registered.

3.After completing the investigation, final report has been filed. The petitioner moved bail application before this Court in CrI.O.P.(MD).No.11167 of 2023. That was dismissed by the order dated 22.06.2023, considering the gravity of the allegation against the petitioner and the mental illness of the child. Again, seeking bail, this petition has been filed on the ground that he is in custody, ever since from the date of arrest and aged about 58 years. The trial process has commenced and so far 5 witnesses have been examined. Now it was posted for PW4.



CRL OP(MD). No.712 of 2024

WEB COPY

4. Considering the gravity of the allegation against the petitioner and the victim girl happened to be a special child the earlier applications filed by the petitioners were dismissed by this Court. I find no change of circumstances to enlarge the petitioner on bail now. The petitioner has to wait for some time till the disposal of the trial process. The grievance of the petitioner is that even though direction was issued to the trial Court, it was not complied by it. He can make the grievance before the trial Court itself.

5. With the above said liberty, this criminal original petition stands dismissed.

sd/-

12/01/2024

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/02/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KAMUTHI,
RAMANATHAPURAM DISTRICT.



CRL OP(MD). No.712 of 2024

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL OP(MD) No.712 of 2024
Date :12/01/2024

SS/GS/SAR- /01/02/2024/4P/5C

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