



CRL OP(MD) No.2318 of 2024

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

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2318 of 2024

BALAMURUGAN

... PETITIONER/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT
(CRIME NO.74 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SENTHIL MURUGAN Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- TO ENLARGE THE PETITIONER ON BAIL IN SPL S.C NO. 134 OF 2023 ON THE FILE OF THE SESSIONS JUDGE, PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, MADURAI IN CRIME NO 74 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to

Judicial Custody on 30.04.2023 for the offence under Sections 3, 4(2), 9(m), 10, 16, 17

<https://www.mhc.tr.gov.in/judis>



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of POCSO Act, 323 of IPC @ Sections 9(m), 10, 16, 17, 5(l), 5(m), 6 of POCSO Act, r/w. 323 and 506(ii) IPC in Crime No.74 of 2023, charge sheeted in Spl.S.C.No.134 of 2023 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 7 years at that time of occurrence and the defacto complainant is the father of the victim girl, who is working at Tiruppur. There is illegal relationship between the victim girl's mother/second accused and the petitioner. In such circumstance, the petitioner sexually abused the victim girl in routine manner and when the same was informed to her mother, she made no objection and threatened the victim girl to kill her. Thereafter, the victim girl informed the above incidents to the defacto complainant, hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution. In fact, the petitioner is neighbor of the victim girl and due to previous motive, in order to wreck vengeance, the false case has been foisted against the petitioner. Further, the second accused was enlarged on bail by the concerned trial Court. He further submitted that petitioner is in judicial custody for more than 10 months, hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent



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would submit that this Court may peruse the statement of the victim girl recorded under Section 164 Cr.P.C. The serious allegation is made against the petitioner. Further, the petitioner is having illegal relationship with the mother of the victim girl and taking advantage of the same, he sexually harassed the victim girl and also harassed her brother. Hence, he vehemently objected to grant bail to the petitioner.

5. Considering the facts and circumstances of this case and on perusal of the statement of the victim girl recorded under Section 164 Cr.P.C., and also considering the fact that the victim is aged about 7 years, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, MADURAI.



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2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-1884[I] dated 14/02/2024)

ORDER IN
CRL OP(MD) No.2318 of 2024
Date :14/02/2024

SA/VR/SAR. /19.02.2024/4P/6C

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