



CRL OP(MD) No.4084 of 2024

WEB COPY

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

Thursday, the Fourteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4084 of 2024

1 JEFRIN

2 REVINDO

... PETITIONERS / ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
CRIME NO. 10 OF 2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.ANAND.R., Advocate

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

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

PRAYER:- TO ENLARGE THE PETITIONERS ON BAIL IN SPECIAL SC.No.57 OF 2023 ON THE FILE OF THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THOOTHUKUDI.

ORDER : The Court Made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody



CRL OP(MD) No.4084 of 2024

on 11.04.2023 for the alleged offences punishable under Sections 5(g) r/w.6 of POCSO Act, 2012 and Section 67(B) of I.T.Act, 2006 in Crime No.10 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first accused fell in love with the victim and during the month of July 2021 when the victim was standing in front of St. Joseph Charity in Adaikalapuram, the accused came by two wheeler and the first petitioner took the victim on his two wheeler and went to Tiruchendur, took a room, where the second accused held the victim and the first accused removed her dress and accused persons committed aggravated penetrative sexual assault on her repeatedly and recorded the same in their mobile phone. It is further alleged that the first accused posted the same in the whatsapp status and the second accused has sent the video to many people. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and are no way connected with the alleged occurrence. In fact, the occurrence said to have happened in the year 2021, but the complaint was made before the respondent Police on 2023 only. The delay of two years is not explained by the defacto complainant. Further, the owner of the said lodge has been examined and



CRL OP(MD) No.4084 of 2024

WEB COPY

he would state that the day, on which, the accused persons have booked the hotel room for committing the above offences, his lodged itself was not in operation for business in view of the COVID-19 pandemic. Further, the petitioners are in judicial custody from 11.04.2023. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons have committed aggravated penetrative sexual assault on the victim and had taken video of the same and thereafter the first accused posted the same in the whatsapp status and the second accused has sent the video to many people. Further, the said video was recovered and the same was sent for expert opinion. Hence, he vehemently objected to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor. Perused the statement recorded from the victim under Section 164 of Cr.P.C.

6. This is the third application for bail and the earlier applications were dismissed by this Court on 21.11.2023 and 18.12.2023. Considering the facts and



CRL OP(MD) No.4084 of 2024

WEB COPY

circumstances of this case and also considering the fact that the offences committed by the petitioners are heinous in nature and there is no change in circumstances of the case to consider the present petition for bail, hence the petition stands dismissed.

sd/-
14/03/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.



CRL OP(MD) No.4084 of 2024

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

ORDER
IN
CRL OP(MD) No.4084 of 2024
Date :14/03/2024

SA/GS/SAR. /12.04.2024/5P/5C

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