



CRL OP(MD). No.5451 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/04/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.5451 of 2024

Atheesh,

... Petitioner/Petitioner/1st Accused

Vs

The Inspector of Police,
All Women Police Station,
Nagercoil.
(Crime No.13/2019).

... Respondent/Respondent/Complainant

For Petitioner

:Mr.K.RAJESHWARAN, Advocate.

For Respondent

:Mr.T.SENTHIL KUMAR,

Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner on bail in Spl.SC.No.40/2019, on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Kanniyakumari at Nagercoil in Crime No.13/2019 on the file of the respondent herein, this Criminal Original Petition is filed.

ORDER : The Court made the following order :-

The petitioner, who was remanded to judicial custody on 30.06.2023, for the offence under Sections 366(A), 376(D), 392, 506(i) of IPC and Section 5(g), 5(i), 6 and 8 of POCSO Act in Crime No.13 of 2019, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused have involved in a sexual assault on a child.



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3.The learned counsel appearing for the petitioner submits that the petitioner was not aware of the exact hearing date and therefore, a Non-Bailable Warrant was issued by the trial Court and he was arrested on 30.06.2023 and since then, he is languishing in jail. The learned counsel further submits that though his name is not found in FIR, the respondent police has arrested the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposes for grant of bail and submits that the petitioner was absconding from 16.06.2021 and therefore, a Non Bailable Warrant was issued as against this petitioner. The case is now posted for examination of LWs 4 to 6.

5.In view of the above submission made by the learned Additional Public Prosecutor that the petitioner was arrested on NBW, the nature of allegations, the conduct of the petitioner and also considering the stage of the case, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to renew the application after the examination of the prime witnesses.

sd/-
10/04/2024

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



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VRN

TO

1 THE SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANNIYAKUMARI AT NAGERCOIL.

2 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL.

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-4338[I] dated 12/04/2024)

ORDER
IN

CRL OP(MD) No.5451 of 2024
Date :10/04/2024

SA/JGB/SAR. /15.04.2024/3P/6C

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