



CRL OP(MD).No.5872 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5872 of 2024

1. P.Sankar
2. Vignesh

... Petitioners/ A1 and A2

Versus

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thirupparankundaram,
Madurai District.
(Crime No.25 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.S.M.Anantha Murugan
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.25 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime



CRL OP(MD).No.5872 of 2024

No.25 of 2023 for the offence under Sections 5(g), 5(l) r/w. Section 6 of POCSO Act, 2012 and Sections 342 and 365 IPC and remanded them into judicial custody on 25.12.2023. Therefore, the petitioners have filed this petition seeking bail.

2. The victim girl is aged about 17 years. The petitioners are aged about 51 years and 36 years respectively. The second petitioner is the friend of the first petitioner. The case of the prosecution is that the defacto complainant is doing facial and mehanthi work. On the date of occurrence, i.e. on 24.12.2023, the first petitioner called the defacto complainant over phone and invited her to his house for doing mehanthi work to his wife for celebrating Christmas. Believing his words, she went to the first petitioner's house, but, his wife was not there. At that time, the petitioners were in drunken mood and committed the alleged offence. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they are in no way connected with the alleged occurrence. However, they are languishing in jail from 25.12.2023.



CRL OP(MD).No.5872 of 2024

WEB COPY

4. The learned Additional Public Prosecutor submits that in this case, investigation was completed and final report has already been filed before the Principal Special Court for Exclusive Trial of cases under POCSO Act, Madurai and the same is yet to be taken of file. He has also produced a copy of the statement of the victim girl recorded under Section 164 Cr.P.C. wherein, she also narrated the alleged the occurrence.

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

6. Accordingly, this Criminal Original Petition is dismissed. The learned trial Judge is directed to take the final report on file within a period of two weeks from the date of receipt of a copy of this order and proceed with the trial and conclude the same as expeditiously as possible, preferably, within a period of six months from thereon.

sd/-
17/04/2024

/ TRUE COPY /

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

OGY



CRL OP(MD).No.5872 of 2024

TO
WEB COPY

- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, MADURAI.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM,
MADURAI DISTRICT.
 - 3 THE OFFICER INCHARGE,
DISTRICT PRISON, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-4571[I] dated
17/04/2024)

ORDER
IN
CRL OP(MD) No.5872 of 2024
Date :17/04/2024

SS/JGB/SAR- /23/04/2024/4P/6C

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