



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18586 of 2024

M.Francis

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,
Rep.by.The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
Crime No. 8 of 2024

... Respondent/Complainant

For Petitioner : Mr. G.M.Xavier,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.8 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on

23.05.2024 for the offences punishable under Sections 376(3), 506(i) of IPC 5(1), 5(n),6

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



7, 8 of POCSO Act, in crime No.8 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has forcibly taken the victim girl, who is his daughter, and committed sexual assault. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. In this case, the allegation is that the petitioner being the father of the victim child aged about 14 years, he is said to have committed penetrative sexual assault. The victim had earlier given a complaint and she has also given 164 statement before the court. However, when the bail hearing came up before the trial court, the victim child is supposed to have filed an affidavit stating that only on the instigation of her mother, she has given a false complaint because of the matrimonial discord. When the child has spoken before the court and the allegations are serious, whether now the contents of the affidavit filed by the child is correct or not are all matters to be tested in trial. Going by the complaint as well as the 164 statement, serious allegations have been made wherein the petitioner, the father of the victim, is said to have committed penetrative sexual assault on his own daughter, when his wife is away. Therefore for the present I'm not inclined to enlarge the petitioner on bail.

Depending on the examination and cross examination of the victim child during the

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course of the trial, it will be open for the petitioner to again approach this court.

5. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
28/10/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Officer-in-Charge,
Sub-Jail,
Nagercoil.

2. The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD) No.18586 of 2024
Date :28/10/2024

KVL/22.11.2024 3P/4C

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