



CRL OP(MD). No.19859 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19859 of 2024

Balasubramani

... Petitioner/Sole Accused

Vs

State of Tamilnadu,

Rep.By,

The Inspector of Police,

All Women Police Station, Vadamadurai,

Dindigul District. (Crime No.5/2020).

... Respondent/Complainant

For Petitioner : Mr.RM.Arun Swaminathan,
Advocate.

For Respondent : Mr.S.Ravi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail for the event of NBW in Spl.SC.No.40/2023 on the file of the Fast Track Mahila Court (Sessions Judge), Dindigul and thus render justice

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ORDER : The Court made the following order :-

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The petitioner/sole accused, who was arrested and remanded to judicial custody on 20.09.2024 and was facing trial in Spl.S.C.No.40 of 2023, on the file of the Fast Track Mahila Court (Sessions Judge), Dindigul, for the offences under sections 5(j) (ii) and 5(1) and 6 of the Protection of Children from Sexual Offences Act, seeks bail.

2. This is a case where the petitioner was facing trial for the offence under the POCSO Act. The non bailable warrant came to be issued against the petitioner on 21.12.2021 by the trial Court and he was able to be secured only on 20.09.2024. In this case, L.W.1 to L.W.3 were examined by the prosecution and they have been cross-examined. Since the petitioner was absconding, there was no progress in the case.

3. The petitioner has filed the present bail petition on the ground that he has suffered incarceration from 20.09.2024. The learned counsel appearing for the petitioner submitted that the petitioner has two children of tender age and that they have to be taken care.

4. In the considered view of this Court, the allegation against the petitioner is

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that he had forcibly had sexual intercourse with a girl aged about 16 years. The petitioner is a married man and has two children out of the said marriage. This shows the conduct of the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner has jumped bail in this case and he was able to be secured by the Police only after nearly three years, this Court is not inclined to enlarge the petitioner on bail.

6. In the result, this Criminal Original Petition stands dismissed and there shall be a direction to the Fast Track Mahila Court (Sessions Judge), Dindigul to dispose of the case in Spl.S.C.No.40 of 2023 within a period of three months from the date of receipt of a copy of this order.

sd/-
18/11/2024

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/ 11 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO



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- 1.The Fast Track Mahila Court (Sessions Judge),
Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
3. The Officer In-Charge, District Prison, Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19859 of 2024

Date :18/11/2024

RD(25/11/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.