



CRL OP(MD) No.320 of 2024

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.320 of 2024

SELVAJOTHI

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.385/2023).

... Respondent / Complainant

For Petitioner : M/s.S.Vishnuvardhan, Advocate

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

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

PRAYER : FOR BAIL IN CRIME NO.385 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who arrayed as accused was arrested and remanded to
judicial custody on 03.10.2023 for the offences punishable under Section 366, 346 of IPC and Section 5(1), 6 and 17 of POCSO Act, in Crime

Missing @ Section 366, 346 of IPC and Section 5(1), 6 and 17 of POCSO Act, in Crime



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No. 385 of 2023, on the file of the respondent police seeks bail.

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2.The case of the prosecution is that the victim girl, who is aged about 17 years is the sister of A1's wife. The petitioner is the mother of A1. On 03.09.2023, when the victim girl was in her house, A1 and A3 kidnapped her in a Car and A1 committed the penetrative sexual assault upon her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this is the second bail petition. Earlier petition filed by the petitioner in CrI.OP(MD)No.21819 of 2023 was dismissed by this Court on 07.12.2023. He would further submit that the petitioner is in judicial custody from 03.10.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that the petitioner along with other accused kidnapped the victim girl and A1 committed the penetrative sexual assault upon the victim girl. He would further submit that earlier bail petition filed by the petitioner was dismissed by this Court, on 07.12.2023 and there is no change of circumstance and hence, he vehemently, opposed to grant bail to the petitioner.

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



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6.Considering the above facts and circumstances of the case and also considering the fact that there is no change of circumstance, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
09/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

2.The Superintendent,
Central Prison, Palayamkottai.

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

ORDER
IN
CRL OP(MD) No.320 of 2024
Date :09/01/2024

ED/ JGB /SAR- (18/01/2024) 3P / 4C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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