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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1897 of 2025

Ganeshkumar,
S/o. Peter Alias Govindaraj,
Sunnambu Kalavasal Street,
Pattiveeranpatty,
Nilakottai Taluk,
Dindigul District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Ambathurai Police Station,
Dindigul District.
In Crime No. 245 of 2024..

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
Advocate.

For Respondent : Mr.R.Meenakshisundaram,
Additional Public Prosecutor

PRAYER :-

For Bail in Crime No. 245 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Sole Accused was arrested and remanded to judicial custody on 14.12.2024 for 'girl missing' on the basis of the complaint given by the defacto complainant on 10.12.2024. Thereafter, the case was registered in Crime No.245 of 2024 for the offences punishable under Section 87 of BNS and Sections 5(1) and 6 of Protection of Child from Sexual Offences Act on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant lodged a complaint as if his brother's daughter was missing on 10.12.2024, when she was returning from the tuition centre to the house. On the investigation, the police found that the petitioner committed aggravated penetrative sexual assault on the victim girl. Hence, the case.



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4. Mr.S.Muniyandi, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner and the victim girl are friends and that in order to find out the victim girl's instagram friend, the petitioner went along with the victim girl on the particular day. Due to misunderstanding, a false case has been registered against the petitioner. He however submits that the petitioner has been in judicial custody since 14.12.2024 and he is ready to obey the condition to be imposed by this Court. He prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, submits that in this case, statement of victim under Section 183(6)(a) of BNSS was recorded and investigation is at initial stage. At this stage, if the petitioner is released on bail, he may cause threat to the defacto complainant and other witnesses. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records.



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7. In this case, the investigation has not been completed. Only the statement of victim under Section 183(6)(a) of BNSS has been recorded. Therefore, this Court is of the view that at this stage, if the petitioner is released on bail, he may cause threat to the defacto complainant and other witnesses and thereby delay the investigation. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
06/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rmk
TO

- 1 THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION, DINDIGUL DISTRICT.
- 2 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.1897 of 2025
Date :06/02/2025

ES/SKN/SAR -3/20.02.2025/4P/4C

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