

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.9657 of 2018

IN CRL A.416/2018

GAJENDIRAN,

[PETITIONER/APPELLANT]

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE DISTRICT.
CR.NO.50 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.416 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Fast Track Mahila Court (Sessions Judge) at Vellore in Spl.S.C.No.31 of 2015 dated 07.07.2018 and to enlarge the petitioner on bail pending disposal of the present Criminal Appeal No.416 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.416 of 2018 on the file of the High Court and upon hearing the arguments of M/S.R.JAYAPRAKASH, Advocate for the petitioner and of MS.KRITIKA KAMAL.P. Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The appellant is the petitioner herein.

2. The learned counsel for the petitioner has submitted that with regard to the act of the accused in a room, there was a contradiction with regard to whether P.W.3 was present at the time of the alleged act P.W.2 and also stated that the knowledge of the alleged occurrence said to have been given to the P.W.1 at the earlier point of time.

3. The learned Government Advocate (Crl.side) has submitted that the victim girls are aged about 11 years and 10 years who are examined as P.W.2 and P.W.3 and they given a statement under Section 164 of Cr.P.C and the learned Judicial Magistrate report is marked as Exhibit P5, Exhibit P8 and Exhibit P9 and the statements came to be recorded at the earliest point of time with regard to the P.W.2 and P.W.3 as to the act of the accused on the body of the P.W.2 and P.W.3 with regard to the charge under POCSO Act and also in the absence of any material contradiction touching upon the material facts, I am not inclined for

the present to grant bail. It is open to the petitioner to move the application at a later point of time.

3. Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-
07/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT
(SESSIONS JUDGE AT VELLORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE DISTRICT.

C.C. to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges

Order

in
CRL MP.9657/2018

in
CRL A.416/2018

Date :07/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 10.08.2018