

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.19157 of 2018

ARAVINDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PUDUCHERRY. CR.NO.71 OF 2017.

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR.D.BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR FOR
PONDICHERRY

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.71 of 2017 registered by the respondent police for the offence punishable under Sections 324 & 506 (ii) and under Sections 4,6,8 of Protection of Children from Sexual Offence Act 2012.

2. The case of the prosecution is that on 19.04.2017 the Sub-Inspector of Police attached to Odion Salai Police Station from Child Welfare Committee, through SSP (L&O) and SP(E) Puducherry with the complaint of the victim girls - four in numbers, for sexual assault which was described by them with a video statement. The crux of the complaint is that the victim girls were threatened and sexually exploited by one auto driver and subsequently by the petitioner herein and one Sajith. The Police further intervened and took the victim girls and handed over for the safe custody at home.

3. The learned counsel for the petitioner submitted that the petitioner is a law abiding person and the present case is foisted against him without any enquiry by the respondents; the petitioner is an engineering graduate completed his B.E., and had not committed any offence; the petitioner is willing to abide any of the condition that may be imposed by this Court.

4. The learned Additional Public Prosecutor appearing for the State would submit that based upon the report given by the child welfare committee, who inspected the Home, thereafter some accused have been remanded; the investigation reveals that the accused have

been involved in the trafficking case; further, based upon the statements of the victim girls only, the child welfare committee has preferred the complaint and the same has been taken on file and registered for alleged offence punishable under Sections, as stated above; based on the progress of the investigation, so far 18 accused have been arrested; the petitioner herein is one of the accused, one among the 18.

5. This Court perused the materials available on record. A birds eye view of the same would reveal that based on the complaint, when the investigation was taken up, a confession statement of one of the accused, Srikanth, was recorded, in which it is stated that Srikanth and petitioner herein are friends and they had sexual intercourse with the victims girls, on the fateful day. The specific overtact attributed speaks volumes about the occurrence. Unusually, in this case, the devil is in the detail. Hence, after going through the confession statement given by co-accused and also the complaint given by the Child Welfare Committee and also based upon the statement given by the victim girls to the child welfare committee, I am not inclined to entertain this petition and grant the relief of anticipatory bail, at this stage.

6. Hence, this Criminal Original Petition is dismissed.

-sd/-

03/08/2018

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 INSPECTOR OF POLICE, सत्यमेव जयते
CBCID POLICE STATION,
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

+1CC to PUBLIC PROSECUTOR FOR PONDICHERRY IN SR.NO.14534

CRL OP.19157/2018

Date :03/08/2018