

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.3683 of 2020

C.PRAKASH

[PETITIONER / ACCUSED]

Vs

STATE INPSECTOR OF POLICE [RESPONDENT]
W-9 ALL WOMEN POLICE STATION,
VILLIVAKKAM,
CHENNAI-49

For Petitioner : M/S. SAMPATHKUMAR Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.01.2020 for the offences punishable under Sections 8 and 10 of POSCO Act in Crime No.2 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner sexually assaulted his own daughter aged about 11 years. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that false complaint has been given due to matrimonial dispute between the petitioner and his wife and would submit that the petitioner is suffering from brain tumour. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has committed sexual assault on his own daughter and also threatened her not to reveal it to anybody. The mother of the victim finding that the daughter was not alright, taken her daughter to the hospital and the medical report shows that the victim was sexually assaulted and external and internal injuries were found on the victim girl. At the time of medical examination, the Doctor has noticed that the victim was psychologically affected. Later, the victim has also given statement under Section 164 of Cr.P.C., stating that her father had subjected her to sexual assault and also threatened her not to reveal it to anybody. Hence, he opposed for granting bail to the petitioner.

5. Heard both sides and gone through the statement of the victim girl recorded under Section 164 of Cr.P.C., and the medical reports.

6. This is a case where the father who is supposed to be a guardian angel of his daughter, had subjected her to sexual assault and also threatened her not to reveal it to anybody. At the time of medical examination, the Doctor has noticed that the victim was psychologically affected and had also found external and internal injuries on the victim.

7. In the above facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

-sd/-
19/03/2020

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 STATE INPSECTOR OF POLICE
W-9 ALL WOMEN POLICE STATION,
VILLIVAKKAM, CHENNAI-49

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

+1 CC to M/S. SAMPATHKUMAR Advocate on payment of necessary charges SR.NO. 5391

CRL OP.3683/2020

Date :19/03/2020

RD 22/05/2020