

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5146 of 2020

MANOJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.1054 OF 2019.

For Petitioner : M/S.C.TURIBIUS BESKI Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL 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 16.11.2019 for the alleged offences under Section 366 of IPC and Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act, in Crime No.1054 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that as per the defacto complainant viz., Indhu that her daughter Suruthi was studying in 10th standard and she stopped school and she was addicted to drugs and she used to roam around with boy friends and while so, on 11.11.2019, she had gone out and did not return home and the de-facto complainant sent a written complaint, based on the same, case in Crime No.1054 of 2019 was registered for the offence under the caption ' Girl Missing' and thereafter, the girl was secured and the statement under Section 164 was recorded and the case was altered under Section 366(A) of IPC, 5(1) r/w 6 of the POCSO Act, 2012. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he would further submit that he is the friend of the victim girl who has given protection to her.

4. The learned Additional Public Prosecutor would submit that the victim girl was secured and statement has been recorded under Section 164 of Cr.P.C., where she has implicated the petitioner. He further submitted that the investigation has been completed and the final report has been filed for the offences under Sections 366(A), 5(1), 6, 8(c), 20(b)(ii)(A) of POCSO Act. There are twelve witnesses and there is a possibility the case will be disposed soon.

5. Heard both sides, perused the document and the statement recorded from the victim under Section 164 of Cr.P.C.

6. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed with a direction to the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, to complete the trial in S.C.No.24/2020 as expeditiously as possible preferably within a period of four months from the next hearing date before the trial Court.

-sd/-

10/03/2020

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 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/S.C.TURIBIUS BESKI Advocate on payment of necessary charges Sr.4813

CRL OP.5146/2020

Date :10/03/2020

RVR 20/03/2020

<https://hcservices.ecourts.gov.in/hcservices/>