

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5848 of 2020

in

SPL.C.C.No.116 OF 2019

(ON THE FILE OF THE SESSIONS JUDGE MAHILA NEETHIMANDRAM (MAHILA COURT), COIMBATORE)

JOSE @ LEEVICE JOSWA [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]

INSPECTOR OF POLICE,
D-1, RAMANAHAPURAM POLICE STATION,
COIMBATORE DISTRICT.
(CRIME NO. 455/2019)

For Petitioner : M/S. W.CAMYLES GANDHI 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 22.08.2019 for the offence under Sections 366, 376 DA IPC & 5(1) r/w. 6, 16, r/w. 17 of POCSO Act 2012 & 9 of Prohibition of Child Marriage Act 2006 and r/w. 109 IPC in Crime No.455 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had abducted the victim girl aged about 15 years and committed rape on her on the pretext of marriage. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested by the respondent police on 22.08.2019 and goondas act was initiated against him and that the same has been set aside by this Court in H.C.P.No.2161 of 2019. Hence he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner who is a married man and having two children, abducted the victim girl who is a minor and committed rape on her. He would further submit that the investigation has been completed and the case has been taken on file in Spl.S.C.No.116 of 2019.

5. Taking into account the nature of allegation, the court is not inclined to grant bail to the petitioner.

6. Further, the learned Sessions Judge is required to complete the trial in Spl.S.C.No.116 of 2019, with in a period of six months from the date of receipt of a copy of this order.

7. With the above observation, this criminal original petition is dismissed.

-sd/-

16/03/2020

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 SESSIONS JUDGE MAHILA
NEETHIMANDRAM(MAHILA COURT), COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
D-1, RAMANAHAPURAM POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.5848/2020

Date :16/03/2020

RVR 20/05/2020