

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.7331 of 2020

Sheik Beer

...Petitioner

Vs

State Represented By:

The Inspector of Police,
AWPS, Pollachi, Coimbatore District.
(Crime No.5 of 2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge him on bail with own bond on the file of the respondent police in crime No.5 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner/A1, who was arrested and remanded to judicial custody on 19.02.2020 for the offence punishable under Sections 5(1), 5(11) of POCSO Act 2012 and 506(2) of IPC., in Crime No.05 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused kidnapped the victim girl aged about 16 years on the pretext of one side love. Thereafter, he had sexual intercourse with her, thereby, the victim got pregnant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He further submitted that he was arrested and remanded to judicial custody on 19.02.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor circulated the statement of the victim girl, recorded under Section 164 Cr.P.C. and submitted that the petitioner is an Auto Driver and he kidnapped the victim girl aged about 16 years and committed rape on her, due to which, she conceived and that she is three months pregnant now. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. It is seen that the petitioner is an Auto driver. He kidnapped the minor girl and committed penetrative sexual assault on her due to which, she became pregnant. The statement of the victim girl recorded under Section 164 of Cr.P.C, reveals that there is no love affair between the petitioner and the victim girl and he has also threatened the victim girl.

6. The petitioner has committed very serious offence against the minor girl. Therefore, this court is not inclined to enlarge the petitioner on bail. Accordingly, the petition stands dismissed.

-sd/-
12/05/2020

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 JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, POLLACHI,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.7331/2020

Date :12/05/2020

RVR 07/08/2020