

IN THE HIGH COURT OF JUDICATURE AT MADRAS

04.05.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.7398 of 2020

Velmurugan

...Petitioner

Vs

State rep. By

....Respondent

The Inspector of Police
Kunnam Police Station
Perambalur District.
(Crime No.81 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.81 of 2020 on the file of the respondent police.

For petitioner : Mr.K.Balu

For respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.03.2020 for the offence punishable under Sections 5(1), 5(j)(ii) and 6 of POCSO Act in Crime No.81 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had promised the victim girl aged about 16 years that he will marry her and had sexual intercourse with the victim girl several times and now refused to marry her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are very close relatives and he admits that there was a property dispute between the families.

Further he would submit that the DSP was proceeding to file Goondas against the petitioner and due to the emergency pandemic situation prevailing at present, he could not proceed further. He further submit that the petitioner is incarceration from 06.03.2020 and he alleged that the case was put up against the petitioner on previous motivation and hence he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner is aged about 44 years and the victim girl age is 16 years. Further, there is no love affair between the petitioner and the victim girl. Moreover, the petitioner is already a married person and he is the maternal uncle of the victim girl. He would further submit that the petitioner committed rape on the minor girl and as such she got pregnant of three months.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader.

6. It is seen that the petitioner is the married man and maternal uncle of the victim girl who is aged about 44 years. While being so there is no question of love affair between the petitioner and the victim girl, aged about 16 years. He committed serious and heinous offence, Therefore this Court is not inclined to grant bail to the petitioner. Accordingly the Criminal Original Petition stands dismissed.

-sd/-

04/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE, MAHILA COURT
PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KUNNAM POLICE STATION
PERAMBALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to MR.K.BALU, Advocate on payment of necessary charges

CRL OP.7398/2020

Date :04/05/2020

TA-17/06/2020



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