

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2020

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7777 of 2020

Udhaya @ Udhayakumar

... Petitioner

Vs.

State rep. by

The Inspector of Police,  
W-21, All Women Police Station,  
Guindy, Chennai District.  
(Crime.No.05/2020)

... Respondent

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail in the Crime No.05 of 2020 on the file of the Respondent police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.S.Karthikeyan,  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.03.2020 for the offence punishable under Section 5(i), r/w Section 6, 13, 14(i) of Protection of Children from Sexual Offences Act, 2012 in Crime No.05 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had taken nude photos of the defacto complainant and showed the same to her and committed sexual assault on her. Further, the petitioner threatened the defacto complainant that if she discloses the same, he would expose the photos to others. Hence, the case came to be registered.

3. The learned counsel for the petitioner submitted that the defacto complainant and the petitioner's sister are class mates and as such, they know to each other. Thereafter, the petitioner and the victim fell in love with each other. When their love affair came to the knowledge of the parent of the victim, they performed her marriage with some other person. Even thereafter, the victim used to be in contact with the petitioner. When this came to light, the present false complaint has been lodged against the petitioner. The petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 21.03.2020. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that using seductive, the petitioner took nude photographs of the victim. Thereafter, by showing the photos, the petitioner penetrative sexual assault on the victim girl.

He further submitted that 164 Cr.P.C. statement of the victim was recorded. In the statement, the victim confirms the act of the petitioner. The petitioner has committed very serious offence and hence, he opposed for grant of bail to the petitioner.

5. Today, the learned Additional Public Prosecutor has produced 164 Cr.P.C. statement of the victim, which was recorded on 27.05.2020. The victim's statement confirms the earlier statement given to the respondent. Further, it is seen that whenever the petitioner wants to have relationship with the victim, she should submit herself. Thus, there is a categorical statement of the victim about the act of the petitioner. In view of the same, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

29.05.2020

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

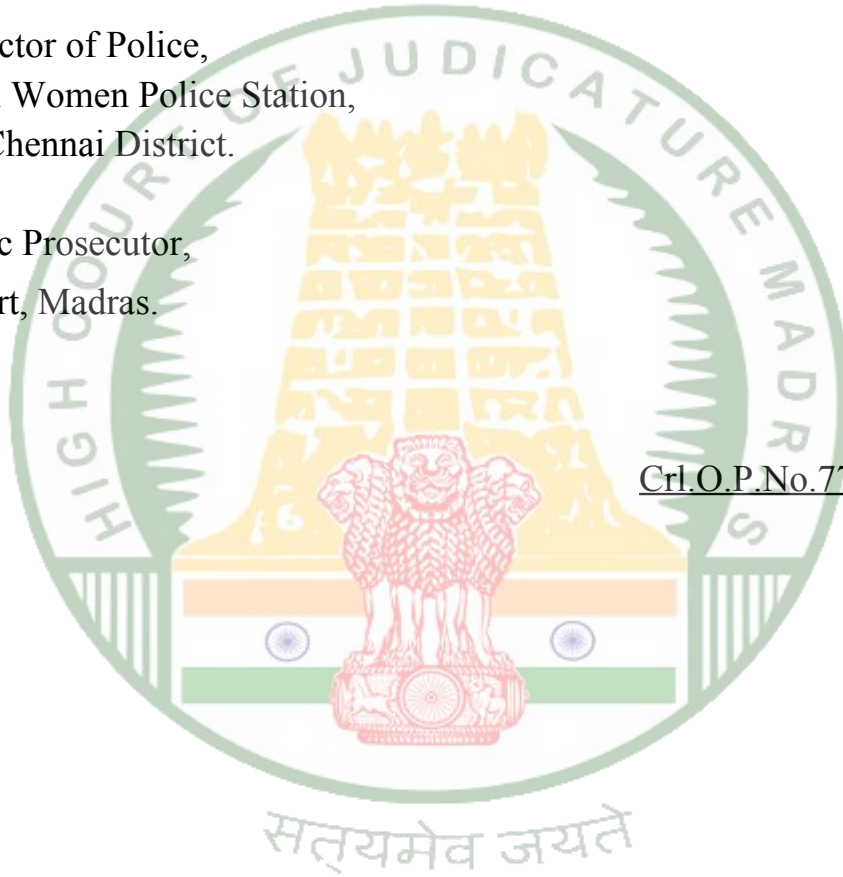
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**M.NIRMAL KUMAR, J.**

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To

1. The Inspector of Police,  
W-21, All Women Police Station,  
Guindy, Chennai District.
2. The Public Prosecutor,  
High Court, Madras.



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