

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9558 of 2020

Jayakumar

... Petitioner

/versus/

State By

The Inspector of Police,
All Women Police Station,
W-1, Thousand Lights, Chennai,
Crime No.2 of 2018

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused pending investigation in Crime No.2 of 2018 on the file of Respondent Police.

For petitioner : Mr.M.Jaikumar

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.09.2019 for the alleged offences punishable under Section 6 of POCSO Act and 506(i) of IPC in Crime No.2 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed multiple aggravating, penetrative sexual assaults on his daughter. This resulted in Pregnancy and subsequently in abortion of his own daughter. Further, NBW was issued on 03.06.2019 and warrant was executed on 14.09.2019. The petitioner was remanded to judicial custody on 15.09.2019.

3.The learned counsel appearing for the petitioner would submit that on 03.06.2019, the petitioner was unable to appear before the Court and the learned Judge had issued a NBW against him. Thereafter, the petitioner was arrested and remanded to judicial custody on 15.09.2019. The petitioner is in judicial custody for the past nine months. He had filed a petition to recall PW1 to PW6 on 17.03.2020, which is pending. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would vehemently argue that the petitioner had purposefully delayed the cross-examination of PW1 to PW6. The petitioner is the reason for the delay and at this stage if bail is granted to the petitioner there is a chance of the petitioner absconding and that there is a possibility of the trial being derailed.

5.Taking into consideration the facts of the case, I am not inclined to grant bail. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

26/06/2020

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 II ADDITIONAL SESSIONS
JUDGE, FAC-SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-1, THOUSAND LIGHTS, CHENNAI.

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

WEB COPY

CRL OP.9558/2020

Date :26/06/2020

rd 21/07/2020