

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.07.2020

CORAM :

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

Crl.O.P.No.10814 of 2020

SUGUMAR

... Petitioner

Vs.

State Rep. by The Inspector of Police
All Women Police Station, Arni
Thiruvannamalai District
(Crime No.5 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.5 of 2020, pending investigation on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 09.05.2020 for the offences punishable under Section 354(A)(1)(i), 376(A)(B) IPC r/w Section 3(b), 4, 5(m), 5(1) and 6 of Protection of Children from Sexual Offence Act 2012, in Crime No.5 of 2020, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would submit that the petitioner is incharge of jain temple, the children of the defacto complainant used to come to the temple and urinate in the temple and since it has been questioned by the petitioner, the defacto complainant has given a false complaint as if the petitioner had committed penetrative sexual assault on her child and the petitioner was arrested on 09.05.2020 and major part of the investigation is over. Hence, he seeks for bail.

3. The learned Government Advocate (Crl. Side) would submit that the victim is only four years old and the petitioner is 71 years and he is the neighbour to the victim girl. In the absence of her parents, the petitioner had sexually harassed the victim girl. He would further submit that 164 statement had been recorded, wherein, the victim had stated that the petitioner had bitten her private part. This is the 2nd bail application. The victim girl is yet to be taken for medical examination.

4. Taking into consideration the nature of the allegation and that the investigation is pending, this court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
28/07/2020

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 SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI, THIRUVANNAMALAI DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10814/2020

Date :28/07/2020

MK:25/08/2020