

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10862 of 2020

Naveen Kumar

... Petitioner

Vs.

State rep. by

The Inspector of Police,
All Women Police Station, Mettur,
Salem District.

Cr. No.4 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail, in Crime No.4 of 2020 on
the file of the Inspector of police, All Women Police Station,
Mettur, Salem District.

For Petitioner : Mr.D.Arun

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 20.06.2020 for the offences punishable under Section 506(i) IPC and Section 5(m) and 6 of the Protection of Children from Sexual Offences Act in Crime No.4 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is a married man, had committed penetrative sexual assault on the victim girl who is aged about 11 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that earlier there was some relationship between the petitioner and the defacto complainant/mother of the victim and due to some misunderstanding, a false complainant has been given against the petitioner. He would also submit that the petitioner has been suffering incarceration from 20.06.2020. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner who is a married man having children and taking advantage of the poverty of the defacto complainant and her family, took the victim child to a secluded place and committed penetrative sexual assault on her. He would further submit that till date the victim girl has been suffering with bleeding injury and that 164 statement has also been recorded. Hence, he vehemently opposed for the grant of bail to the petitioner.

5.Taking into account, the petitioner has committed a very serious offence against a minor girl , I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

22/07/2020

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 JUDICIAL MAGISTRATE,
NO.II, METTUR, SALEM DISTRICT.

2 THE OFFICER INCHARGE
SUB-JAIL AT SANKARI, SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT.

CC to M/S. D.ARUN Advocate on payment of necessary charges

CRL OP.10862/2020

Date :22/07/2020

cs 21/08/2020