

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2020

CORAM :

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

Cr1.O.P.No.11032 of 2020

S.Sadhasivam
S/o.P.Shanmugam

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
CBCID, Anti Trafficking Cell,
Egmore, Chennai-8.
(Cr. No. 3 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.3 of 2020 on the file of the Inspector of Police, CBCID Anti Trafficking Cell, Egmore, Chennai-8.

For Petitioner : Mr.R.Paramasivam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 5(g), 5(1) 5(j) (ii) r/w.6 of POCSO Act and 376 (D) (A) IPC thereafter altered into section 5(1) 5(j) (ii) r/w.6 of POCSO Act and 370 IPC, Immoral Prevention Act section 3(1) 4(1) in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the minor girl sountharya is that when she had gone to Mettupalayam Railway Station, she was subjected to gang rape in the car parking near the railway premises. The doctor who tested the victim, has confirmed that the victim is five months pregnant. Initially, the complaint was given to GRP, Mettupalayam Police Station and the case was registered in Cr.No.3 of 2020 and later on the direction of the Director General of Police, Tamilnadu, the case was transferred to the respondent police.

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 the arrested accused have

been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose stating that it is a case of gang rape where in a minor girl was raped by the accused persons. He would further submit that the arrested accused have been enlarged on default bail. He would further submit that investigation is pending and the custodial introgation of the accused is very much required since, identification parade has to be conducted.

5. Taking into account the serious nature of offence and that the custodial interrogation of the petitioner is very much required for identification, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
30/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
CBCID, ANTI TRAFFICKING CELL,
EGMORE, CHENNAI-8.

CC to M/S.R.PARAMASIVAM Advocate on payment of necessary charges

WEB COPY

CRL OP.11032/2020

Date :30/07/2020

RD 01/09/2020