

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11335 of 2020

Appas

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Neyveli, (AWPS),
Cuddalore District.
(Crime No. 8/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioner on bail pending investigation in Crime
No. 8/2020 on the file of the respondent police.

For Petitioner : Mr.D.Saravanan

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 24.05.2020 for the offences punishable under Section 5 (1), 6 of Pocso act in Crime No. 8 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant one Uma is that the petitioner who is married man committed penetrative sexual assault on her minor daughter who is aged about 14 years.

3 The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are neighbours and due to previous enmity a false complaint has been given by the defacto complainant. He would further submit that the petitioner has been suffering incarceration from 24.05.2020. Hence, he seeks for grant of bail to the petitioner.

4 Per contra, the learned Government Advocate (Crl.Side) would submit that the defacto complainant comes from a poor family. The petitioner who is a married man and neighbour committed penetrative sexual assault on the daughter of the defacto complainant and she became pregnant and it has been terminated. Hence, he opposed for grant of bail to the petitioner.

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

-sd/-

17/08/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KURINJIPADI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NEYVELI (AWPS),
CUDDALORE DISTRICT.

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

CRL OP.11335/2020

Date :17/08/2020

MK:02/09/2020