

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11326 of 2020

Koventhan

... Petitioner/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Erode District.
(Crime No.11 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail concerned in Crime No. 11 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar

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 16.06.2020 for the offences punishable under Sections 10, 11(3), 12 of Protection of Children from Sexual Offences Act, 2012 and Section 506(i) of IPC in Crime No. 11 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant/Abirami is that the petitioner who is the neighbour, in the absence of his wife and child, had committed penetrative sexual assault on the minor daughter of the defacto complainant, aged 6 years. Hence, the complainant.

3 The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier bail application was dismissed by this Court in Crl.O.P.No.10425 of 2020, dated 10.07.2020. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has been suffering incarceration from 16.06.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are serious allegations against the petitioner. The petitioner during the lockdown period, in the absence of his family members, committed penetrative sexual assault on the daughter of the defacto complainant. He would further submit that due to the lockdown, medical examination has not been conducted so far and that there is no change of circumstances. Hence, he vehemently opposed to grant bail to the petitioner.

5 Taking into account the serious nature of offence and that the earlier bail application was dismissed by this Court on 10.07.2020 and there is no change in circumstances, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-
29/07/2020

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 MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
ERODE.

2 THE OFFICER INCHARGE
SUB-JAIL, ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE DISTRICT.

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.11326/2020

Date :29/07/2020