

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

CrI.O.P.No.11813 of 2020

Sundaram

... Petitioner

Vs.

The Inspector of Police
Morappur Police Station.
Dharmapuri District.
Cr.No.393 of 2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the Petitioners on Bail concerned in **Cr. No. 393 of 2020** on the file of the Respondent police.

For Petitioner : Mr.K.Nagarajan

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to the judicial custody on 25.05.2020 for the alleged offences punishable under sections 5(m) 5(n) read with 6 of POCSO Act 2012 in Crime No.393 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the when the parents of the minor girl were not at home, the petitioner has entered in to the house and forcibly committed penetrative sexual assault on the minor girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and and he has been falsely implicated in this case. He would further submit that the petitioner is the ex-president of the village and due to political motive, the case has been foisted against him and the petitioner has been suffering incarceration from 25.05.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner who is aged 51 years had committed penetrative sexual assault on the minor girl who is aged 11 years at her home in the absence of her parents. He would further submit that the statement of the victim girl has been recorded under Section 164 of Cr.P.C. wherein she has categorically stated the manner in which the accused had committed the crime. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. Taking into account of the fact that the petitioner has committed very serious offence against the minor girl, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

06/08/2020

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
MORAPPUR POLICE STATION,
DHARMAPURI DISTRICT,

4 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

CC to M/S. K.NAGARAJAN Advocate on payment of necessary charges

CRL OP.11813/2020

Date :06/08/2020

TA-21/08/2020