

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

Crl.O.P.No.12716 of 2020

Koventhan

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail concerned in Crime No.11 of 2020 pending investigation on the file of the respondent.

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 offence 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, 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 complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Till date, medical examination has not been conducted and 164 statement has not been recorded. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there is serious allegations against the petitioner. The petitioner during the lock down 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 lock down, till date medical examination has not been conducted and he vehemently opposed to grant bail. The petitioner's earlier bail petition in Crl.O.P.No.10425 of 2020 was dismissed by this Court on 10.07.2020.

5. It is seen that the petitioner's earlier bail application was dismissed by this Court and the investigation is also still in preliminary stage. Considering the nature of the offence and also no change in circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
04/09/2020

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.12716/2020

Date :04/09/2020