

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 13105 of 2020

D.Martin @ Devaraj

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
Peralam Police Station,
Peralam, Tiruvarur District.

(Crime No.1532 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1532 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.T.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 24.06.2020 for the offences punishable under Sections 6 read with 5(1) of Protection of Children from Sexual Offences Act, 2102 in Crime No. of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner committed repetitive aggravated penetrative sexual assault on the victim girl aged 17 years. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the case of consensual affair has been projected as a case of sexual assault. He would submit that the petitioner has been in judicial custody from 24.06.2020. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner who is aged 37 years, was fixed for marriage with the Aunt of the victim girl. The petitioner by inducing the minor girl, committed repetitive and aggravated penetrative sexual assault on her and thereby, the victim got depressed. Thereafter, the petitioner got married to the Aunt of the victim. He would submit that the petitioner has not only spoiled the life of the minor girl but, also spoiled the life of the Aunt of the victim girl. He would submit that the petitioner was secured on 24.06.2020 and now the victim is in the custody of her parents. He would further submit that the charge sheet has been filed on 20.07.2020 before the Mahila Court, Tiruppur, and the respondent would be able to conclude the trial at the earliest. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of offence and the submission made by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

27/08/2020

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, NANNILAM.

2 THE SUPERINTENDENT,
DISTRICT JAIL, TIRUVARUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPCTOR OF POLICE,
PERALAM POLICE STATION,
PERALAM, THIRUVARUR DISTRICT.

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

CRL OP.13105/2020

Date :27/08/2020