

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

CrI.O.P.No.13204 of 2020

Karthikeyan @ Karthi

... Petitioner

Vs.

State of Tamil Nadu,
rep.by Inspector of Police,
All Women Police Station,
Vedaranyam
Nagapattinam District.
(Crime No.3 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.3 of 2020 on the file of the respondent-the Inspector of Police, All Women Police Station, Vedaranyam.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI.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 04.07.2020 for the offence punishable under Sections 442, 294(b), 352 and 506(i) and Section 12 of POCSO Act, in Crime No.3 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner, who is aged about 30 years, committed penetrative sexual assault on the victim, who is aged about 17 years. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the petitioner has been falsely implicated under the case of love affair and sexual assault. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner who is aged about 30 years fell in love with the victim girl and then coming to know that the petitioner was having drinking habits the victim girl wanted to get away from him. While so, on 03.07.2020, the petitioner had, under compulsion, committed the penetrative sexual assault on the victim girl. He would submit that the investigation is pending and then he would further submit that the victim girl was examined under Section 164 Cr.P.C., and she has categorically stated that the petitioner on compulsion and threat committed the penetrative sexual assault on the victim girl. Hence, he vehemently opposed to grant bail.

5. I have heard the counsel and have perused the 164 statement. The petitioner was aged about 30 years and the victim girl on coming to know his habits had intended to stay away from him, whereas, on 03.07.2020 the petitioner had forcefully committed penetrative sexual assault on the victim girl.

6. Considering the facts and circumstances of the case, 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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, VEDARANYAM.

2 THE OFFICER INCHARGE
SUB-JAIL, MAYILADUTHURAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

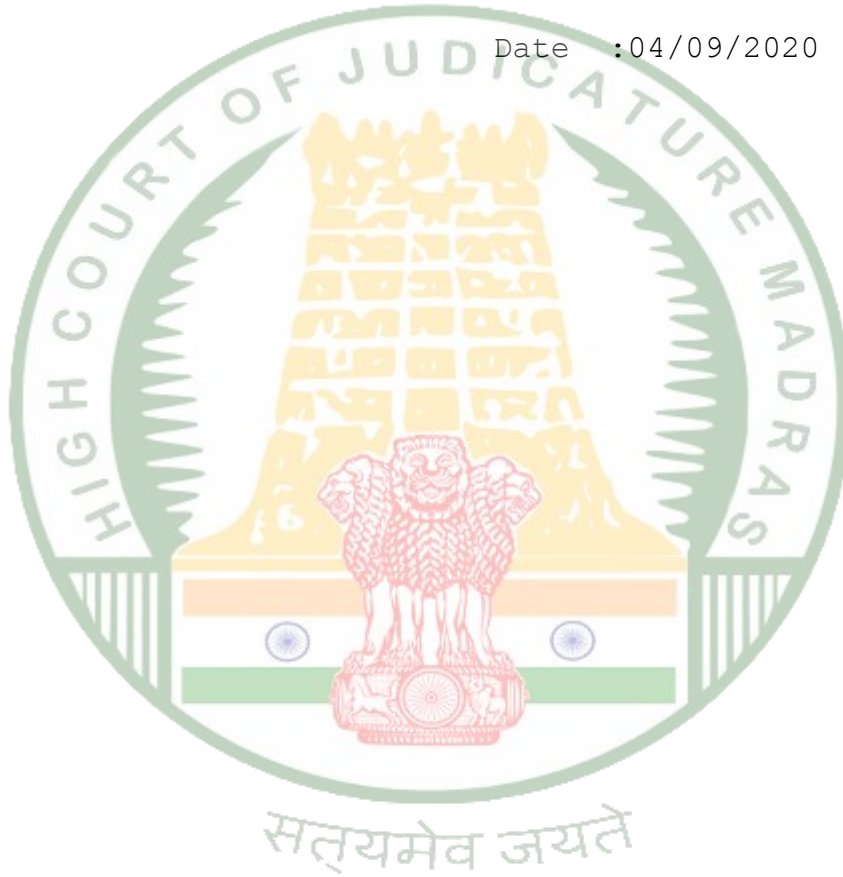
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VEDARNYAM,
NAGAPATTINAM DISTRICT.

CC to M/S. N.PALANIVEL Advocate on payment of necessary charges

CRL OP.13204/2020

Date :04/09/2020

cs 11/09/2020



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