

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

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

Crl.O.P.No.13622 of 2020

Mathiyalagan
S/o. Chinnandi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Karumandurai Police Station,
Salem District,
Crime No.166 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.166 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. W.Camyles Gandhi

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 07.07.2020 for the offences punishable under Sections 5(1) r/w.6 of POCSO Act, in Crime No.166 of 2020, seeks bail.

2. The case of the prosecution as per the minor victim girl aged 15 years who is residing near to the clinic run by the petitioner is that the petitioner who is a doctor aged about 25 years had induced her on the false promise of marrying and committed sexual assault on her and thereafter made preparations to marry someone else.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a doctor and that he is ready to marry the victim girl. He would submit that there is a love affair between the petitioner and the defacto complainant and the petitioner was under the impression that the victim girl was more than 18 years. However, since the girl is aged 15 years, the parents of the defacto complainant refused to give her in marriage and also gave a false complaint against him. He would reiterate and submit that it is case

of consensual sexual intercourse.

4.The learned Government Advocate (Crl. Side) would vehemently opposes for grant of bail stating that the petitioner who is an educated doctor by profession, on the false promise of marrying the minor victim girl aged 15 induced her and committed repetitive sexual assault on her in the absence of her parents. Thereafter, he had attempted to marry some other girl, thereby the victim consumed oleander seeds. He would further submit that the investigation is at initial stage.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and the fact that investigation is at initial stage, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed

-sd/-

03/09/2020

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 INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM DISTRICT,

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.13622/2020

Date :03/09/2020

RD 16/09/2020