

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDRA

CrI.O.P.No.14022 of 2020

K.Kumar alias Loganathan

... Petitioner

-Vs-

The State Rep. by its,

The Inspector of Police,

All Women Police Station,

Perur, Coimbatore District.

(Crime No.6 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.6 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366 of IPC and Section 5(1), (j), (ii) r/w. Sections 6 and 17 of POSCO Act, in Crime No.6 of 2020 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Viz., Kalaiselvi is that the petitioner had committed penetrative sexual assault on the victim girl aged about 17 years and due to which she became pregnant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the victim girl is aged about 17 years and she has attained majority and that she is also prepared to submit an affidavit that she has

willfully joined the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would vehemently oppose for the grant of anticipatory bail stating that the petitioner had illegal intimacy with the mother of the victim girl and thereafter, he had committed penetrative sexual assault on the victim girl and due to which she became pregnant. He would further submit that the investigation is at initial stage and the statement is yet to be recorded from the victim girl. He would further submit that the age of the victim girl is about 15 years and the age of the petitioner is about 32 years.

5. Taking into consideration of the fact that the petitioner aged about 32 years had committed penetrative sexual assault on the victim girl, who is aged about 15 years and also the daughter of his paramour, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/09/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASE UNDER POSCO ACT, COIMBATORE

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PERUR, COIMBATORE DISTRICT

+1 CC to M/S. K.MYILSAMY Advocate on payment of necessary
charges SR.NO.6203

CRL OP.14022/2020
Date :09/09/2020

GKS:17/09/2020