

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14174 of 2020

Ashok Kumar

... Petitioner/1st Accused

Vs.

The State Represented by,

The Inspector of Police,

All Women Police Station,

Ammamet, Salem District.

(Crime No.10/2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.10 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial Custody on 26.05.2020 for the offences punishable under Sections 6 r/w 5(g)(1)(n) of POCSO Act, 2012, in Crime No. 10 of 2020, on the file of the respondent police seeks bail.

2 The case of the prosecution as per the defacto complainant Sumathi is that her husband died few years back and that she had married the petitioner and that her minor daughter/victim through the first husband was studying in hostel and she had come to the house during December vacation and while she was in the house the petitioner had subjected her to rape and also threatened her and the further allegation is that the petitioner along with one Kumar had forcibly taken the girl to another house where both of them committed penetrative sexual assault and left her there. Hence the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that since there was a misunderstanding between the defacto complainant and the petitioner, a false complaint has been given. He would submit that even as per the complaint, the defacto complainant has alleged that the petitioner had abandoned her and married a Muslim girl and that is the motive for giving a false complaint. He would submit that the petitioner is in custody from 26.05.2020, for almost 106 days and major part of the investigation has been over and the co-accused has been detained under Act 14 and he prays for grant of bail to the petitioner. He would further submit that the petitioner has been affected by Covid-19, Accordingly, prays for grant of bail to the petitioner for taking treatment.

4 The learned Government Advocate (Crl. Side) would submit that the petitioner is the step father of the minor victim girl. The defacto complainant, the mother of the victim girl, Sumathi is a widow and the petitioner married her and while her daughter had come home during the December vacation, the petitioner had committed sexual assault during the absence of the defacto complainant. Further, the petitioner had also taken the victim along with his friend to another house and forcibly committed sexual assault on her. He would further submit that the investigation is completed and the final report has been filed on 19.08.2020 before the concerned Court.

5 Taking into consideration the facts and submissions made by the learned counsel and that this Court had very recently on 24.08.2020 dismissed the application for bail with a direction to the learned Special Judge to complete the trial as expeditiously as possible, this Court is not inclined to grant bail. As the present application has been filed stating that the petitioner has been affected by Covid-19, the concerned Jail Authority is hereby directed to give proper medical treatment to the petitioner.

6 With the above direction, this Criminal Original Petition stands dismissed.

-sd/-
11/09/2020

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 SATISFACTION OF
SESSIONS JUDGE, SALEM ,
SALEM DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

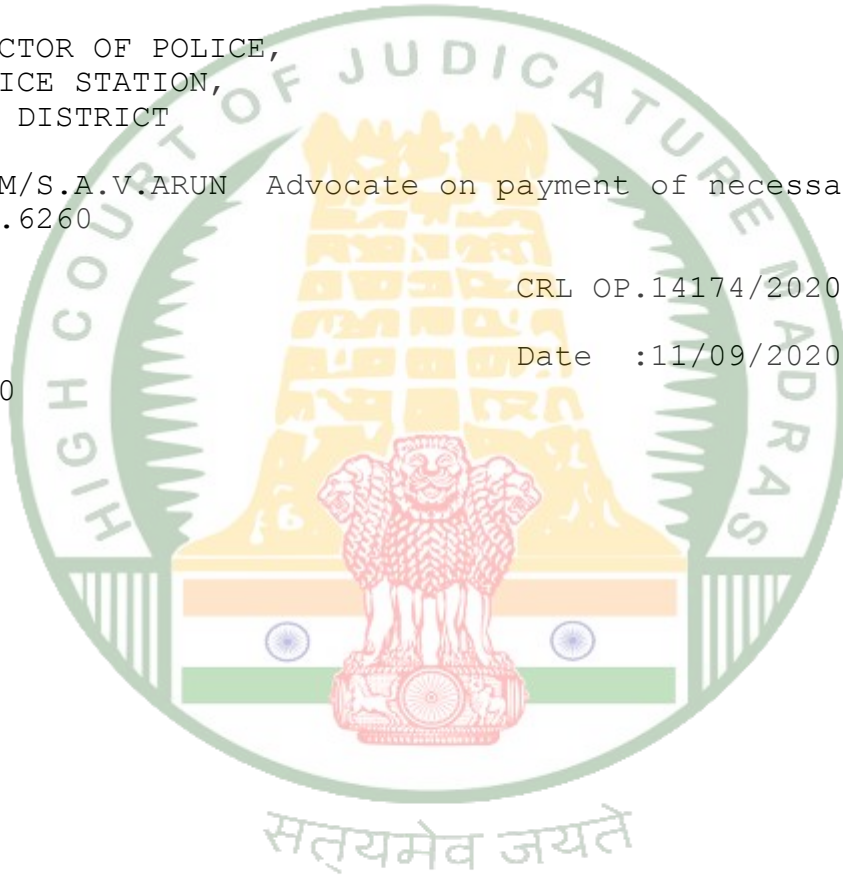
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM DISTRICT

+1 CC to M/S.A.V.ARUN Advocate on payment of necessary
charges SR.NO.6260

CRL OP.14174/2020

Date :11/09/2020

GKS:16/09/2020



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