

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2020

CORAM :

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

Crl.O.P.No.14320 of 2020

Korin Kumar, S/o.Mani

.... Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
AWPS Sriperumbudur Police Station,
Kancheepuram District.
(Crime No.7 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.7 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.07.2020 for the offences punishable under Section **450, 376(1), 506(i)**

of IPC r/w under Section 4 & 6 of POCSO Act 2012, in Crime No.7 of 2020, pending investigation on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed penetrative sexual assault on the minor victim girl.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the victim girl had developed intimacy with one Veera @ Veeraraghavan (A2), due to which she became pregnant and the petitioner being her brother's friend had conducted panchayat and at the instigation of Veera @ Veeraraghavan (A2) who was in love with the victim , she had falsely implicated the petitioner in this case. He would further submit that the petitioner is in custody from 19.07.2020 for almost 78 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the victim girl on 09.07.2020 went to Sai Hospital for labour pain and delivered a male child before admitting into the hospital and the same was informed to the

respondent police. Before the respondent police could visit the spot, the victim girl along with her mother absconded from the hospital. Thereafter, the investigation was conducted by the respondent police and they have found that the mother of the victim girl had murdered the new born male child and buried the body and therefore, a case was registered against her mother by the Manimangalam Police Station in Crime No.135 of 2020. He would further submit that during the course of investigation, the fact came to light that the petitioner being the friend of her brother used to visit the house of the victim in the absence of her parents and had committed sexual assault on the victim girl. The victim girl at the time of lodging the complaint blamed only this petitioner and later she had added Veera @ Veeraraghavan (A2) also. Investigation also revealed that the victim girl loved Veera @ Veeraraghavan (A2) and he had also made penetrative sexual assault on the victim girl. At the initial stage, the victim had stated that the petitioner knowing about the relationship between the victim and Veera @ Veeraraghavan (A2), threatened her and committed rape on 27.03.2020 at about 3.00 a.m. when her mother and brother were in Chennai. He would further submit that Statement under 164 Cr.P.C. has been recorded and DNA test is pending.

A.D.JAGADISH CHANDIRA, J.

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5.Taking into consideration of the fact that the victim girl has specifically given a date and time on which date the rape was committed on her, and also considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

07.10.2020

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To

The Public Prosecutor
High Court, Madras
Chennai 600 104.

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