

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.14964 of 2020

Irfan @ Irfan Ullah,
S/o.Bakath Ullah.

... Petitioner

Vs.

STATE BY

Inspector of Police,
AWPS Police Station,
Ambur, Thirupathur District.
(Crime No.8 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No. 8 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.S.P.Arthi

For Respondent : Ms.S.Thankira

Government Advocate (Cr1.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial Custody on 10.08.2020, for the offence punishable under Section 6 of POCSO Act, 2012, in Crime No. 8 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner, who is the brother-in-law of the victim girl, had committed penetrative sexual assault on the victim girl, aged about 16 years. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Cr1.Side) appearing for the

respondent would submit that the petitioner had married the sister of the victim girl two years back and it was a love marriage. Taking advantage of the position, the petitioner had committed penetrative sexual assault on the victim girl, who is the own sister of his wife. She would further submit that this is the second bail application. The earlier application filed by the petitioner was dismissed by this Court very recently on 10.09.2020 in Crl.O.P.No.13743 of 2020 and there is no change of circumstances.

5.Taking into consideration the fact that the bail application of this petitioner was dismissed by this Court very recently on 10.09.2020 in Crl.O.P.No.13743 of 2020 and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. This Criminal Original Petition stands dismissed accordingly.

-sd/-
24/09/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
AMBUR, TIRUPATHUR DISTRICT,

CC to M/S. S.P.ARTHI Advocate on payment of necessary charges

CRL OP.14964/2020

Date :24/09/2020

RD 29/09/2020