

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.15814 of 2020

Senthil Kumar

.... Petitioner

-Vs-

State Rep by
The Inspector of Police,
Cuddalore Old Town (O.T) Police Station,
Cuddalore District-607 003.
(Crime No.638 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.638 of 2020 on the file of the Inspector of Police, Old Town (O.T) Police Station, Cuddalore District.

For Petitioners : Mr.N.U.Pressanna

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 18.07.2020 for the offences punishable under Section 366 of IPC and Section 5(1) r/w Section 6 of the POCSO Act, in Crime No.638 of 2020, pending investigation on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, the mother of the victim girl is that her minor daughter aged about 17 years who was working in a shopping centre went missing. Based on the complaint, a case was registered under the caption "girl missing" and later during the course of investigation, it came to light that the petitioner had kidnapped the minor girl and kept her in his custody for one month and committed penetrative sexual assault on her repeatedly.

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 relationship between the

petitioner and the minor victim girl is consensual in nature. The victim girl on her own will left her house and went to Tirupur and from Tirupur, the victim had called the petitioner and thereafter she joined the petitioner at Ervadi in Ramnad District. He would further submit that on coming to know about the registration of the case, the petitioner himself dropped the victim girl in Cuddalore, and the victim girl has also stated before the respondent police that the relationship between them was consensual in nature.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a married man aged about 43 years and having three children. His elder daughter got married and the 2nd daughter is the classmate of the victim girl. The petitioner being the school van driver, used to drop the victim girl in her school along with his second daughter. Thereafter, the petitioner induced the minor girl and kidnapped her to Ervadi, Ramanad District and kept her in his custody for one month and committed repetitive penetrative sexual assault on her. He would further submit that the victim girl was rescued by the respondent police on 17.07.2020 and the petitioner was arrested on 18.07.2020. He would further submit that though the victim girl has stated that it is a consensual affair, the victim is a minor girl aged about 17 years and that the petitioner who is the father of her classmate in a inhuman and irresponsible manner behaved with the victim and had induced the minor girl and committed penetrative sexual assault. He would further submit that the statement of the victim girl under 164 Cr.P.C. has been recorded.

5.Taking into consideration of the fact and submissions made by the learned Government Advocate 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.

सत्यमेव जयते
-sd/-
07/10/2020

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 SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

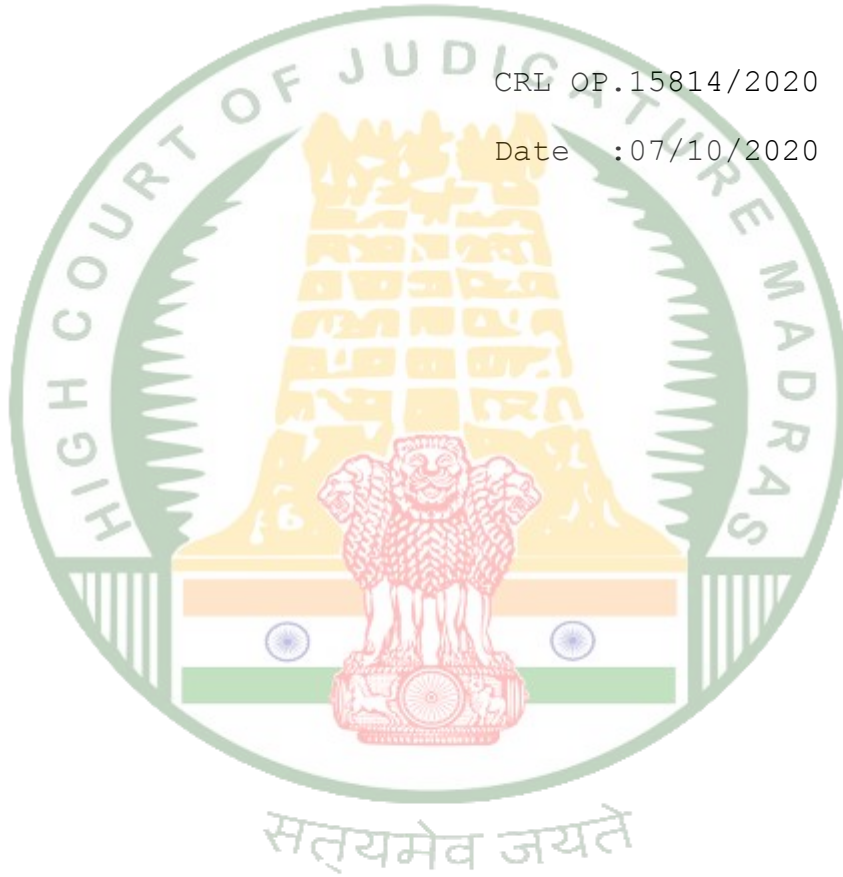
3 THE INSPECTOR OF POLICE,
CUDDALORE OLD TOWN (O.T) POLICE STATION,
CUDDALORE DISTRICT-607003,

CC to M/S. N.U.PRESSANNA Advocate on payment of necessary
charges

CRL OP.15814/2020

Date :07/10/2020

RVR 12/10/2020



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