

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16153 of 2020

K.Sivakumar

.. Petitioners

Vs.

State represented by

The Inspector of Police

AWPS South

Tiruppur

(Crime No.09 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.09 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Valarmathi

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 26.08.2020, for the offence punishable under Sections 5(1), 5(m), 5(n) read with 6 of POCSO Act, in Crime No.09 of 2020, on the file of the respondent police seeks bail.

2. The case of the prosecution as per the complaint given by the member of the Child Line 1098, Tiruppur, is that the mother of the victim namely Mahalakshmi had taken her minor daughter for medical check up and the Doctor who tested her found that her age is 11 years and that she was subjected to penetrative sexual assault. Based on the complaint given by the member of the Child Line 1098, Tiruppur, the case was registered.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner was living together with the mother of the victim girl and that there was some dispute between them and thereby, he has been falsely implicated in this case. He would submit that the petitioner has been suffering incarceration from 26.08.2020. Hence, he prays for grant of bail.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioner is the step father of the victim girl. The petitioner was living together with the mother of the victim girl and the petitioner had for the past one year, committed penetrative sexual assault on the victim girl under threat. He would further submit that the victim has been mentally, physically and psychologically affected very badly. He also furnished the statement of the victim girl recorded under Section 164 Cr.P.C.

5. Heard both sides and perused the materials placed on record including the statement of the victim girl recorded under Section 164 Cr.P.C.

6. Taking into account the nature of offence and the submissions made by the learned Government Advocate (Crl. Side), this Court is of the opinion that this is not a fit case for grant of bail.

7. Accordingly, this Criminal Original Petition stand dismissed.

सत्यमेव जयते

-sd/-

12/10/2020

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, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS SOUTH, TIRUPPUR

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

CRL OP.16153/2020

Date :12/10/2020

MK:21/10/2020



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