

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

CRL.O.P.No.16221 of 2020

Selvam

... Petitioner

Vs.

State By

Inspector of Police,

W-24, All Woman Police Station,

Teynampet, Chennai.

(Crime No.836 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.836 of 2020 on the file of the Inspector of Police.

For Petitioner : Mr.R.Thamarai Selvan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offences punishable under Sections 366 (A) IPC and 6 of POSCO Act, in Crime No.836 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Umavathy is that her minor daughter was found missing and based on the complaint given by the defacto complainant, a case was originally registered under Section girl missing and thereafter, the fact came to light that the petitioner had kidnapped the minor daughter and hence, it was altered to 366 (A) IPC and later when the victim girl was secured and during the course of investigation, they found that the victim girl was subjected to sexual assault, it was altered to 6 of POSCO Act. The case was originally registered by the Inspector of Police, Teynampet Police Station and later it was transferred to W-24, All Women Police Station, Teynampet, Chennai.

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 it is a

case of love affair and has been falsely projected as a case of kidnap and sexual assault. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner has kidnapped the minor daughter of the defacto complainant and subjected her to penetrative sexual assault. He would further submit that investigation is pending and the 164 Cr.P.C. statement in respect of the minor victim girl has not been recorded. He would further submit that the petitioner was arrested only on 18.09.2020.

5.Taking into consideration of the fact that the investigation is in initial stage and the statement under 164 Cr.P.C. has not been recorded from the victim girl and also the fact that the petitioner was arrested very recently on 18.09.2020, this court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
15/10/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE INSPECTOR OF POLICE,
W-24, ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI.

CC to M/S. R.THAMARAI SELVAN Advocate on payment of necessary charges

CRL OP.16221/2020

Date :15/10/2020