

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

CORAM :

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

CRL.O.P.No.17095 of 2020

Palani

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thellar Police Station.
(Crime No.1432 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1432 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Bakayaraj

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 14.09.2020 for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 5(1) and 6 of the POCSO Act 2012, in Crime No.1432 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is a married man induced the victim minor girl aged about 17 years and repeatedly committed penetrative sexual assault on her.

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 consensual affair, which has been falsely projected as the case of rape and registered a complaint for the offences under Section 363, 366, 376(2)(n) of IPC and Section 5(1) and 6 of the POCSO Act 2012.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a married man and having a child. He had kidnapped the victim minor girl and repeatedly committed penetrative sexual assault on her. He would further submit that the petitioner was arrested very recently on 14.09.2020 and the investigation is pending.

5.Taking into consideration of the fact that the petitioner is a married man who had repeatedly committed penetrative sexual assault on the victim minor girl and also considering the fact that the petitioner was arrested very recently on 14.09.2020 and the investigation is in initial stage, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

02/11/2020

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, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THELLAR POLICE STATION,

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

CRL OP.17095/2020

Date :02/11/2020

RVR 06/11/2020

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