

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17517 of 2020

T.Sakthivel

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Gobi, Erode District.
(Cr.No.12 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.12 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.P.Vishnu

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 11 (1) & 12 of Protection of Child From Sexual Offences Act, (POCSO), in Crime No.12 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Prakasan is that he is working as a driver in the Transport Corporation and he is having two children, one girl child aged about 10 years and one boy child aged about 7 years. The defacto complainant left his children in his mother-in-law's house. On 08.10.2020, the defacto complainant had gone to see the children, at that time, his daughter informed that the accused had made gestures, by lifting his dhoti and exhibiting his stomach by shaking and made gesture as if kissing the child.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to business rivalry, a false case has been foisted against him. Hence, he prays for grant of Anticipatory Bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is aged about 47 years and he had abused the victim girl by lifting his dhoti and had made sexually suggestive gestures against the victim girl. Hence, he vehemently opposed the grant of Anticipatory Bail to the petitioner.

5. The learned counsel for the Intervenor would submit that the petitioner is the neighbour of the defacto complainant and had abused the minor daughter of the defacto complainant and made gestures by lifting his dhoti and also made gestures as if kissing the child. He would further submit that the defacto complainant is threatened and being pressurized by the Vanigar Sangam to withdraw the complaint.

6. Heard both sides and perused the statement which has been recorded from the victim under Section 164 Cr.P.C.

7. Taking into consideration the facts and circumstances, this Court is not inclined to grant Anticipatory Bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/11/2020

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 MAHILA COURT,
ERODE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBI, ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.17517/2020

Date :09/11/2020