

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

CRL.O.P.No.18035 of 2020

Viji @ Vijayan

... Petitioner

Vs.

State rep.by

The Inspector of Police,
All Women Police Station,
Vedaranyam,
Nagapattinam District.
(Crime No.07 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.07 of 2020 on the file of the All Women Police Station, Vedaranyam, Nagapattinam District.

For Petitioner : Mr.N.Palanivel

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 01.10.2020 for the offence punishable under Sections 5 (1), 6, 17, 18 of POCSO (Amendment) Act, 2019 and under Section 506(i), 376 (2) (j) of IPC, in Crime No.07 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, the victim girl is that she is aged about 16 years and that her father is working as a watchman and her mother is working in a mess run by one Shanmugasundaram. The further allegation is that since her mother was not well, the victim had gone to work in the mess of the said Shanmugasundaram, at that time, he had hugged and kissed her and when the same was informed to one Durga Devi wife of Aravindhan, the said Durga Devi and her husband had taken her to a Poultry farm run by the petitioner and later the petitioner had told her that he was in love with her and had committed sexual intercourse with her and taken that in a

mobile phone and later when she wanted to get away he had threatened her that the video would be circulated in the social media and compelled her to have sexual intercourse repeatedly. Since the petitioner had continued his threatening and repeatedly committed the penetrative sexual assault, the victim minor girl gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the co-accused in this case one Shanmugasundaran has been granted bail by this Court in Crl.O.P.No.16691 of 2020, dated 03.11.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the main accused in this case and he stands in a different footing from that of the other person against whom bail is granted and that there are serious allegations against him. He would submit that one Durga Devi and her husband viz., Aravindhana had taken the victim girl to the Poultry farm run by the petitioner and later the petitioner had told her that he was in love with her and had committed repeated sexual intercourse with her and had taken videographs of the act in a mobile phone and later when the victim wanted to get away from the relationship, the petitioner had threatened her saying that videos will be circulated in the social media and compelled her to have sexual intercourse repeatedly. Since, the petitioner continued with his threat, the victim girl has given a complaint before the respondent police. He would submit that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard the learned counsel on either side and perused FIR and also other materials placed on record.

6.It is the case where the petitioner stands in a different footing from the case of other accused for whom this Court had granted bail and there are serious allegations against the petitioner. The petitioner, in the guise of loving the victim minor girl had committed sexual intercourse with her and thereafter, he had taken video in the mobile phone and threatened the victim that the video will be circulated in the social media had compelled her for repeated penetrative sexual assault. Unable to bear the torture and the threat given by the petitioner, the defacto complainant has lodged a complaint.

7.Considering the allegation against the petitioner is serious in nature, this court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-
18/11/2020

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 SESSIONS JUDGE,
(SPECIAL COURT UNDER POCSO ACT),
NAGAPATTINAM.

2 THE JAILER,
DISTRICT PRISON,
NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VEDARANYAM,
NAGAPATTINAM DISTRICT.

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

CRL OP.18035/2020

Date :18/11/2020

MK:01/12/2020

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