

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19814 of 2020

K.Sivakumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
AWPS South
Tiruppur
Cr.No.09 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying 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.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 5(1), 5(m), 5(n) r/w 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 is that the petitioner who is the step father of the victim child, aged 11 years, had committed sexual assault on her. Based on the complaint, the case was registered and the petitioner was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second anticipatory bail application and the earlier application was dismissed on 12.10.2020 in Cr1.O.P No.16153 of 2020. He would further submit that the petitioner was living together with the mother of the victim girl and due to some misunderstanding, a false complaint has been given.

Therefore, he prays to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioner is the step father of the victim girl and the petitioner was living with the mother of the victim girl and for the past one year, the petitioner had committed penetrative sexual assault on the victim girl, due to which the victim girl was mentally and physically affected very badly. This Court, earlier after perusing the statement of the victim girl recorded under Section 164 of Cr.P.C had dismissed the earlier application and after completion of investigation, charge sheet has been filed and the case has been taken on file in Special S.C No.78 of 2020 by the Sessions Judge, Magalir Neethimandram (Fast Track Court), Tirupur and the case is ripe for trial.

5. Heard both sides and perused the records.

6. Taking into consideration the nature of the allegation made against the petitioner and now, the case has been taken on file in Special S.C No.78 of 2020 by the Sessions Judge, Magalir Neethimandram (Fast Track Court), Tirupur, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed. However, the Sessions Judge, Magalir Neethimandram (Fast Track Court), Tirupur, is directed to complete the trial as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

-sd/-
23/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(FAST TRACK COURT),
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

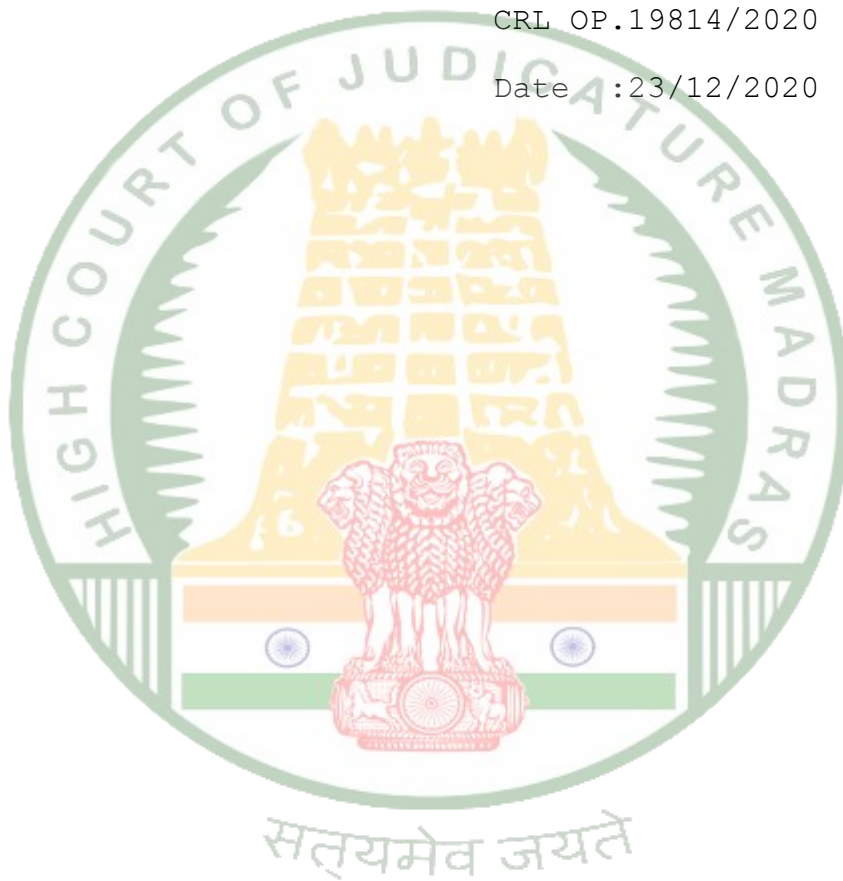
4 THE INSPECTOR OF POLICE
AWPS SOUTH, TIRUPPUR.

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

CRL OP.19814/2020

Date :23/12/2020

cs 07/01/2021



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