

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3765 of 2021

Kalyana Sundaram

... Petitioner

Vs.

State rep. by
Inspector of Police,
All Women Police Station,
MKB Nagar, Chennai District.
(Crime No.01 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Cr.No.01 of 2021 on the file of the respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who apprehends arrest at the hands of respondent police for the offence punishable under Sections 9(o), 9(p) r/w 10 of Protection of Children from Sexual Offences (POCSO) Act, 2012, in Crime No.01 of 2021, seeks anticipatory bail.

2. The case of prosecution is that the petitioner said to have run an unlicensed home, wherein number of orphan children staying there. The allegation is that the petitioner said to have sexually assaulted number of minor girl children staying in that home. Hence, based on the complaint given by one of mother of victim girl, the present complaint has been filed and now, seeking anticipatory bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would submit that he is running a home and he is only taking care of the children. At the instigation of persons who are

enimical to the petitioner, the present false complaint has been filed against him. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for respondent would submit that the petitioner is running an unlicensed home, wherein number of minor girls were staying, wherein the petitioner has molested and also sexually assaulted the minor children. He would submit that when the home was closed, children staying there were shifted to another home, at that time, the occurrence came into light. He would also submit that the statement under Sec.164 of Cr.P.C. has been recorded from some of the girls, wherein the minor girls have clearly stated that the petitioner has sexually assaulted the children. That apart, the petitioner was convicted for similar offence under the POCSO Act, and the appeal is also pending. Hence, he has strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the seriousness and gravity of offence, that the petitioner is running a home, wherein he has sexually assaulted number of minor orphans and already convicted for the similar offence under the POCSO Act, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

18/03/2021

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 ADDITIONAL MAHILA COURT
EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-MKB NAGAR,
CHENNAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.3765/2021

Date :18/03/2021