

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5018 of 2020

Dhamodiran

.. Petitioner

Vs.

Sub Inspector of Police,
All Womens Police Station,
Vellore District.
(Crime No.4 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.4 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.R.Thangavel

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

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 7 and 8 of the POCSO Act, in Crime No.4 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the victim is a six years old girl and the accused sexually assaulted her on two occasions in his shop. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the mother of the victim girl is in the habit

of extracting money by giving false complaints and the alleged occurrence has never taken place. The petitioner is 65 years old man running a provision shop and earlier the defacto complainant requested a loan of Rs.1,00,000/- from the petitioner and as the petitioner refused to give the loan she gave the false complaint.

4. The learned counsel for the petitioner further submitted that the village president along with 40 members have given a complaint against the defacto complainant to the Superintendent of Police, Vellore alleging that the defacto complainant is misusing POCSO Act and is trying to grab money from the petitioner by giving false complaint. Hence, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent vehemently oppose this petition. He stated that the victim is a six years old girl and alleged that the petitioner had sexually assaulted her in his shop. She has also given confession before the learned Magistrate under Section 164 Cr.P.C., wherein she has clearly stated that the petitioner has sexually assaulted her several times. The complaint given to the Superintendent of Police, Vellore against the defacto complainant was enquired and the Additional Superintendent of Police who conducted the enquiry submitted a report stating that the allegations made in the F.I.R. are true and so far as the allegation against the defacto complainant is concerned it is false as there is no evidence to prove the same. He would further submit that there are every chances of the petitioner getting absconded and thereby, derailing the progress of investigation.

6. I have considered the rival submissions.

7. Considering the facts and circumstances of the case and also the statement of the six years old victim girl, in which, she has clearly revealed that the petitioner had sexually assaulted her several times. In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

8. This Criminal Original Petition stands dismissed accordingly.

-sd/-

25/01/2021

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 JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
ALL WOMENS POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

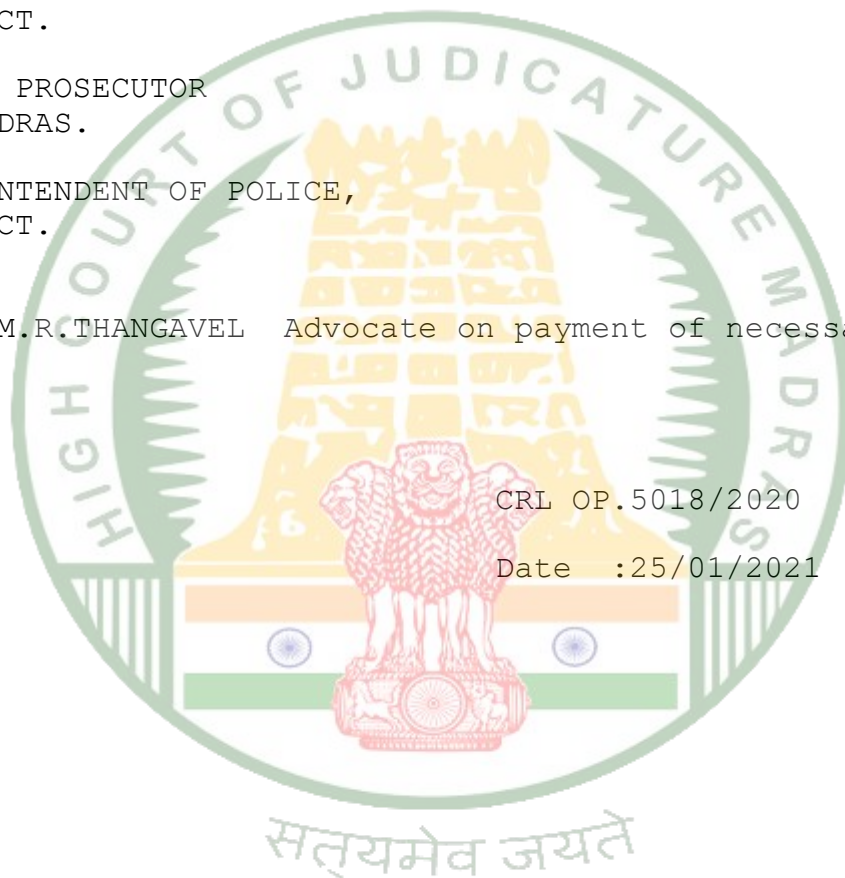
5 THE SUPERINTENDENT OF POLICE,
VELLORE DISTRICT.

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

CRL OP.5018/2020

Date :25/01/2021

cs 16/02/2021



WEB COPY