



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.5728 of 2021

S.Asharaf

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Palladam Police Station,
Tiruppur.
(Crime No.145 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.145 of 2021 on the file of respondent police.

For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

The respondent police has registered a criminal case against the petitioner in Crime No.145 of 2021 for the offence punishable under Sections girl missing @ 366(A) of I.P.C. and Section 5(m) r/w 6 of POCSO Act, 2012. The petitioner was arrested and remanded to judicial custody on 04.02.2021. Accordingly, the petitioner has filed this petition seeking for bail.

2. The case of the prosecution is that the victim girl is a minor, aged about 15 years, and her mother found her missing. Hence, she has given a complaint before the respondent police. Based on that, the criminal case has been registered against the petitioner and thereafter, on investigation, it is found that the petitioner has kidnapped the minor girl and sexually assaulted her. Hence, the crime was altered into Section 366 (A) of I.P.C. and 5(m), r/w 6 of POCSO Act, 2012. In the said circumstances, the present petition has been filed seeking for bail. Now, it is stated that the victim girl was rescued.



3. The learned counsel appearing for petitioner would submit that due to the torturing the victim girl in a cruel manner by her mother, victim girl on her own, has left her house and went to the petitioner's house, and he has advised the victim girl to go to her parental house. He would submit that the petitioner is an innocent person and he has not sexually harassed the victim girl. He would submit that due to enmity, a false case has been foisted against the petitioner and he is in jail for nearly two months. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that victim girl is a minor, aged about 15 years and the petitioner is aged about 36 years. She would submit that as he is a married person, he only has sexually assaulted her. Hence, a complaint was given by the victim girl's mother and now, the investigation is also completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that there is a specific overtact attributed against the petitioner, the victim is a minor girl, aged about 15 years, the petitioner is a married man and also considering the seriousness of offence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
29/03/2021

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 MAGALIR NEETHIMANDRAM
(FAST MAHILA COURT), TIRUPPUR.

2 THE OFFICER INCHARGE,
SUB-JAIL, TIRUPPUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR

+1CC to M/S.J.KINGSLY SOLOMON Advocate on payment of
necessary charges SR NO.4297

CRL OP.5728/2021

Date :29/03/2021

MK:08/04/2021