

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 29.03.2021

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.6187 of 2021

Raj

... Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
AWPS South Police Station
Tiruppur.
Crime No.1 of 2021

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1 of 2021 on the file of the Respondent.

For Petitioner : Mr.J.Franklin
For Respondent : Mrs.M.Prabhavathi
Addl. Public Prosecutor

ORDER

The respondent police has registered a criminal case against the petitioner in Crime No.1 of 2021 for the offence punishable under Section 5(1) r/w 6 of POCSO Act, 2012. The petitioner was arrested and remanded to judicial custody on 28.01.2021. Accordingly, the petitioner has filed this petition seeking for bail.

2. The case of the prosecution is that the victim girl studying 12th Std. During the Covid-19 pandemic holidays, when the victim girl working in an export company along with her mother, the petitioner said to have physical relationship with her and also threatened her. Hence, she has reported the same to her mother. Accordingly, mother of victim girl given a complaint before the respondent police. Based on that, the criminal case has been registered against the petitioner and the petitioner was arrested and remanded to judicial custody on 28.01.2021. Now, the present petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that both the petitioner and the victim girl were working in the same place and there is a money transaction between the petitioner and mother of victim girl, due to which, the present false complaint has been given against him. He would submit that the petitioner is an innocent person and he has not sexually harassed the victim girl. He would submit that 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, a minor, aged about 17 years and the petitioner is aged about 38 years. She would submit that he is a friend of victim girl's mother and he is a married person. When the victim girl went to a rest room, he has only sexually assaulted her. Hence, based on a complaint was given by the victim girl's mother, a criminal case has been registered against him. She would submit the investigation has been completed and a charge sheet has also been filed. The statement under Sec.164 of CrI.P.C. has also been recorded from the victim girl, which would clearly shows that a specific overtact attributed against the petitioner, she is a minor girl and the petitioner is a married man. Hence, 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 17 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 JUDICIAL MAGISTRATE,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT), TIRUPPUR.

2. THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3. THE INSPECTOR OF POLICE,
AWPS SOUTH POLICE STATION
TIRUPPUR.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.6187/2021

Date :29/03/2021

TK/21.04.2021

<https://hcservices.ecourts.gov.in/hcservices/>