

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.6227 of 2021

P.Karthikraja

... Petitioner/Accused

Vs.

The State Rep. by

The Inspector of Police,

G2,Uthiramerur Police Station,

Kancheepuram District.

Crime No.43 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.43 of 2021 on the file of the Respondent.

For Petitioner : Mr.K.Soundararajan

For Respondent : Mrs.M.Prabhavathi

Addl. Public Prosecutor

ORDER

The respondent police has registered a criminal case against the petitioner in Crime No.43 of 2021 for the offence punishable under Section 376(2)(n), 354A(1)(iii) and 506(ii) of I.P.C. and Sec. 5(1), 6, 11(3) of Protection of Child Sexual Offence Act. The petitioner was arrested and remanded to judicial custody on 03.02.2021. 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 16 years. The petitioner is friend of victim girl's brother. On the date of occurrence, he said to have shown some pornographic videos to her, compelled her to be naked and also forcibly raped her, thereby, he has committed penetrative sexual assault and he has recorded the incident in his mobile phone. Subsequently, on showing the video, he has threatened her and also sexually assaulted 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 03.02.2021. 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 have loved each other and he has not committed any offence as alleged in the complaint. He would submit that he has never misbehaved with the victim girl and he has also not recorded any of videos as stated in the complaint. 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 one month. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that victim girl, a minor, aged about 14 years and the petitioner is a friend of victim girl's brother. He used to come to her house and given a love torture and on the date of occurrence, inside the 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 final report was also ready. 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 14 years, the petitioner has committed penetrative sexual assault, the statement under Sec.164 of Cr.P.C. was also recorded. Therefore, 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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, CHENGALPATTU.

2. THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3. THE INSPECTOR OF POLICE,
G2, UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.6227/2021

Date :29/03/2021

TK/21.04.2021

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