

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 29.03.2021

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.6185 of 2021

Mani

... Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Perambalur.
Crime No.13 of 2020

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.13 of 2020 on the file of the Respondent.

For Petitioner : Mr.K.Selvarangan
For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The respondent police has registered a criminal case against the petitioner in Crime No.13 of 2020 for the offence punishable under Section 3 and 4 of POCSO Act, 2012. The petitioner was arrested and remanded to judicial custody on 23.06.2020. Accordingly, the petitioner has filed this petition seeking for bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are belong to the same village. On 22.06.2020, the petitioner said to have taken the victim girl and also misbehaved with a minor girl, aged about 13 years. When the defacto complainant went in search of cow near land and heard the cry of victim girl, he has questioned the same, and rescued the girl. Hence, the criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 22.06.2020. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner and the defacto complainant are belong to the same village and due to previous enmity, a false case has been implicated against him. He would submit that he is an innocent person and he has not sexually assaulted the minor girl. He would submit that he is in jail for nearly eight months and now the investigation is over and the matter has been taken cognizance in Spl. S.C.No.37 of 2020 on the file of Mahila Court, Perambalur.

4. The learned Additional Public Prosecutor appearing for the respondent very vehemently opposed this petition on the ground that it is a case of sexual assault with a minor girl, aged about 13 years. She would submit that the investigation has already been completed and charge sheet was filed on 01.04.2021. Now, the Special S.C.No.37 of 2020 was posted for framing of charges and P.W.1 was also examined. Hence, she has strongly opposed the bail application.

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 13 years, the petitioner is aged about 54 years 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 MAHILA COURT,
PERAMBALUR.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.6185/2021

Date :29/03/2021

TK/21.04.2021