

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8213 of 2021

GUNA @ GUANASEKAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
W-9, ALL WOMEN POLICE STATION,  
VILLIVAKKAM, CHENNAI.

For Petitioner : M/S.A.SETHURAMAN Advocate

For Respondent : Mrs.M.Prabhavathi Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Petitioners, who were arrested and remanded to judicial custody on 26.11.2019 for the offence punishable under Sections 6 of POCSO Act in Crime No.16 of 2019, seek bail

2. The case of the prosecution is that the petitioner alleged to have committed penetrative sexual assault on a minor victim girl and thereby she became pregnant and a child was born to her. Based on the complainant given by the mother of the victim girl, the case came to be registered.

3. The counsel for the petitioner submits that the petitioner has earlier granted bail by the Court below with certain conditions and the petitioner is regularly complying with the above said conditions without fail. He further submits that he has not attempted to tamper any evidence with regard to the DNA test and no fault is being found on the petitioner, the Court below have canceled the bail order. Hence he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor opposed the bail application by stating that the petitioner tried to change the DNA examination result. However the DNA examination result had come positive showing that the petitioner is the biological father of the baby born to the victim girl. She further submits that investigation is almost completed.

5. Considering the fact that the petitioner attempted to tamper the DNA test result which is the subject matter to this case, this Court is of the view that if the petitioner is released on bail there is every possibility that he will be a threat to the victim girl as well as baby. Hence, considering the grave nature of the offences and antecedent of the accused in tampering the material evidence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

30/04/2021

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 SUPERINTENDENT,  
CENTRAL PRISON, PUZHAI, CHENNAI

2 THE INSPECTOR OF POLICE,  
W-9, ALL WOMEN POLICE STATION,  
VILLIVAKKAM, CHENNAI.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.A.SETHURAMAN Advocate on payment of necessary charges

CRL OP.8213/2021

Date :30/04/2021

RVR 02/06/2021

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