

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.9105 of 2021

V.Rajagopal

... Petitioner/Sole Accused

Vs.

State by

The Inspector of Police,
All Women Police Station,
Suramangalam,
Salem, Salem District.
(Crime No.19 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.19 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 343, 323 and 307 of IPC and Section 77 JJ Act 2015 and Sections 5 (n) r/w 6 of POSCO Act, 2012, in Crime No.19 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a divorcee and the first marriage was annulled on 15.07.2014. Thereafter, the defacto complainant married the petitioner in the year 2015 and they were blessed with a female child namely Amritha and she is the victim of this case. On 27.03.2021, the petitioner came to his house with drunken mood and made a sexual assault with his three year old child and the same was continued. Subsequently, on another two days, i.e., on 29.03.2021, the defacto complainant escaped from her house and made a complaint before the law enforcing agency.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The 164 statement recorded by the learned judicial Magistrate was not accepted due to the mental stability of three years old child and the child welfare committee already enquired this matter and found that the petitioner as well as the defacto complainant were having the habit of drinking and the child welfare committee arrived at a conclusion that it is not safe to hand over the child to their parents.

4. The learned Government Advocate (Criminal Side) submitted that the 164 statement has been recorded from the victim/three year old child and confirmed that the sexual assault made by the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into account the nature of offence, which is a very heinous one, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-
16/06/2021

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SURAMANGALAM,
SALEM, SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S B.KUMARASAMY Advocate on payment of necessary charges

CRL OP.9105/2021

Date :16/06/2021

MK:13/07/2021