

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9389 of 2021

R.Henry Paul

... Petitioner

Vs.

State represented by
The Inspector of Police,
W4 All Women Police Station,
Kilpauk, Chennai.
(Crime No.6 of 2021)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.6 of 2021 on the file of the Inspector of Police, W4 All Women Police Station pending investigation.

For Petitioner : Mr.M.Devaraj

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.04.2021 for the offences under Sections 10 r/w. 9(1)(m)(n) and 17 of the POCSO Act and Section 506 (ii) I.P.C. in Cr. No.6 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner who is arrayed as A2 along with other accused, has sexually assaulted the victim girl. Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner is in no way connected with the alleged offence and he had been falsely implicated in this case and the petitioner has been in jail from 24.04.2021. Therefore, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) vehemently opposed the submissions of the learned counsel for the petitioner. He submits that the victim girl was sexually abused by the petitioner along with the other accused. He further submits that investigation is still

pending and statement of the victim girl has to be recorded under Section 164 Cr.P.C. Hence he raised serious objection to release the petitioner on bail.

5. Considering the serious objection of the learned Government Advocate, this Court is not inclined to grant bail to the petitioner as the statement of the victim girl is yet to be recorded under Section 164 Cr.P.C. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

26/05/2021

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 SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE INSPECTOR OF POLICE,
W4 ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9389/2021

Date :26/05/2021

RVR 14/06/2021

WEB COPY