

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No .9446 of 2021

Srithar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station, Chengalpattu.
(Crime No.3 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.3 of 2021 on the file of the respondent police pending investigation.

For Petitioner : Mr.P.D.Selvaraj

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

ORDER

(The case has been heard through Video Conference)

The petitioner, who was arrested on 17.02.2021 and remanded to judicial custody for the offences punishable under Sections 9(1), 10, 11(3), 12 of POCSO Act 2012 in Crime No.3 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner had forcibly took the victim girl into his room when she went to the petitioner's house and he compelled her to sit on his lap and showed obscene video to her and threatened her that not to disclose the same to her parents. It is alleged that the petitioner touched the private parts of the victim girl and continuously given sexual harassment. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and nothing to do with the alleged offence and he has been falsely implicated in the offence alleged. He further submits that the victim girl used to come to the petitioner's home to play and due to some previous enmity, the parents of the victim girl lodged a false complaint against the petitioner. The petitioner is in judicial custody from 17.02.2021 and hence, seeks bail.

4.The learned Government Advocate (Crl. Side) submits that when the victim girl went to the petitioner's home, he forcibly took her to his room and compelled her to sit on his lap and showed obscene video and committed aggravated penetrative sexual assault. Hence, prays for dismissal of the petition.

5.On perusal of the statement recorded under Section 164 Cr.P.C., the victim girl has stated that the petitioner forcibly took her to his room and compelled her to sit on his lap and showed obscene video to her and threatened her not to disclose the same to her parents. Again when the victim girl was taking bath in her bathroom, the petitioner with the sexual intent trespassed into her house and forcibly opened the bathroom and committed the aggravated penetrative sexual assault.

6.Considering the gravity of the offence and since the victim girl has clearly stated the sexual act of the petitioner, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

20/05/2021

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.D.SELVARAJ Advocate on payment of necessary charges
Sr.6266

CRL OP.9446/2021

Date :20/05/2021

RVR 18/06/2021