

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No .9456 of 2021

Maheshwari

... Petitioner

Vs.

State rep. by
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai - 600081.

... 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.18 of 2020 pending on the file of the Inspector of Police, W-13, All Women Police Station, Washermenpet, Chennai - 600081.

For Petitioner : Mr.M.Yasar Arafath

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

ORDER

(The case has been heard through Video Conference)

The petitioner, who was arrested on 12.11.2021 and remanded to judicial custody for the offences punishable under Sections 6 of POCSO Act and u/s 5(1)(a)(i) of ITP Act, thereafter the respondent police has altered the offence u/s 17 r/w.6 of POCSO Act and u/s 5(1)(a)(i) of ITP Act, u/s 370(4) of IPC, u/s 17 r/w.6 of POCSO Act and u/s 4,5(1)(a)(i) of ITP Act in Crime No.18 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused used the victim girl for prostitution and many number of persons are said to have involved in the commission of offence. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and there is no reliable material against the petitioner. Further, the victim girl did not identify the petitioner while giving statement under Section 164 Cr.P.C. The petitioner inside the prison for the period of 188 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submits that the offence is not only under the provisions of the Protection of Children from Sexual Offence Act, 2012 and also under the provisions of Immoral Traffic Act, in which the victim girl has been used for prostitution. Hence, prays for dismissal of the petition.

5.It is seen that the victim girl who is aged about 13 years, has been used for prostitution and many number of persons including police personnel are involved in the commission of offence. In this case, the final report has been filed and the same was taken on file in S.C.No.12 of 2021.

6.Considering the gravity of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the petition stands 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 SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAL.

WEB COPY

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

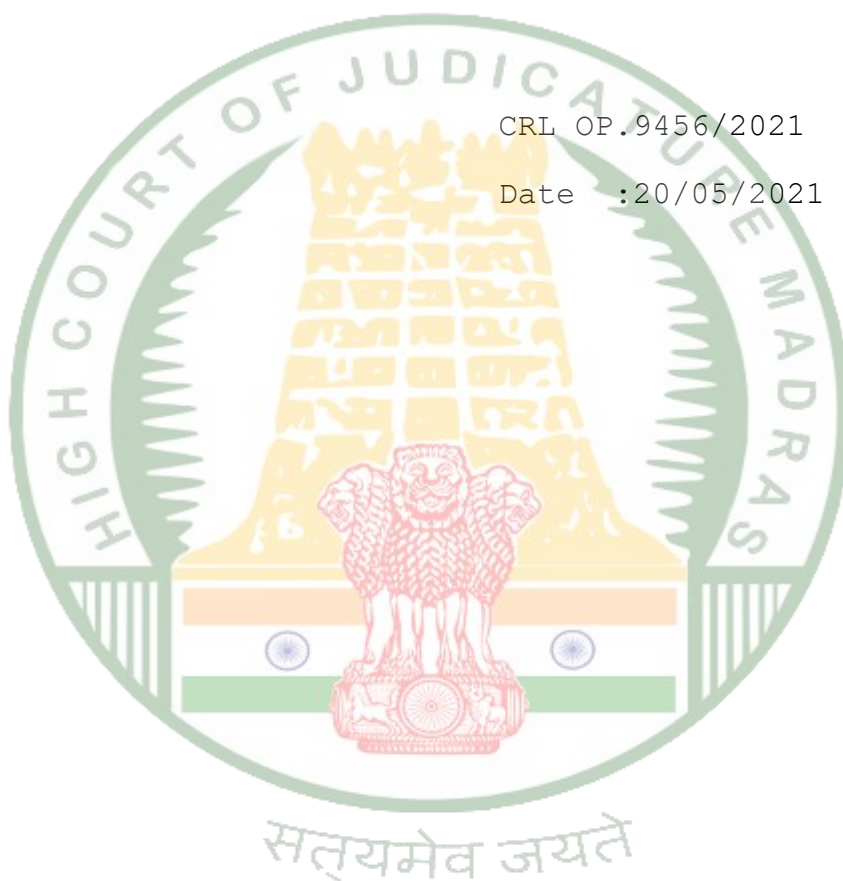
3 THE INSPECTOR OF POLICE,
W-13, ALL WOMEN POLICE STATION,
WASHERMENPET,
CHENNAI-600 081.

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

CRL OP.9456/2021

Date :20/05/2021

cs 29/06/2021



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