

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.Nos.9563 & 9586 of 2021

Mohamed Asarudeen ... Petitioner in Crl.O.P.No.9563/2021

Mareeswaran ... Petitioner in Crl.O.P.No.9586/2021

Vs.

State represented by
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.
(Crime No.18 of 2020)

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original petitions have been filed under Section 439 of Cr.P.C, prayed to grant bail to the petitioner in S.C.No.12 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in Crime No.18 of 2020 (on the file of the respondent police station).

For Petitioner in
Crl.O.P.No.9563/2021 : Mr.P.Pugalenthiraj

For Petitioner in
Crl.O.P.No.9586/2021 : Mr.K.Kannan

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

COMMON ORDER

The petitioners who were arrested on 24.11.2020 and 18.12.2020 respectively and remanded to judicial custody for the offences under Sections 6, 5 (1) (a) (i) of POCSO Act @ Section 17 r/w. 6 of POCSO Act, 2012 and Section 5 (1) (a) (i) ITP Act in Cr.No.18 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused induced and threatened the victim girl and pushed into prostitution. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 24.11.2020 and 18.12.2020 respectively. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed the grant of bail by stating that the petitioners have forcibly entered into the house of the victim girl and raped her. Subsequently, she was kidnapped by the accused persons and she has been used for prostitution. He further submits that totally there are 26 accused in this case and there are six previous cases pending against the petitioners.

5. Considering the nature of offences, this Court is of the view that it is not a fit case for grant of bail, even the case was charge sheeted and numbered. The petitioners shall face trial from the prison itself. Accordingly, this Criminal Original Petitions are 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- 104.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI

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

Cr1.O.P.Nos.9563 & 9586 of 2021

Date :26/05/2021

RVR 28/06/2021



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