



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Eighth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.11028 of 2021

R.HENRY PAUL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE ,

W4 ALL WOMEN POLICE STATION KILPAUK,

CHENNAI. CRIME NO.6 OF 2021.

For Petitioner : M/S M.DEVARAJ Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

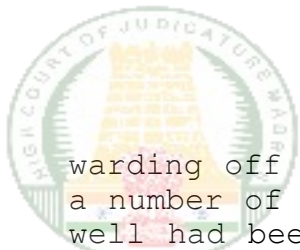
ORDER : The Court Made the following order :-

The petitioner, who has been arrested and remanded to judicial custody on 24.4.2021 for the alleged offences u/s 10 r/w 9 (1) (m) (n) and 17 of the POCSO Act and Section 506 (ii) IPC in Crime No.6 of 2021 on the file of the respondent police, seeks bail.

2. This is the second bail petition filed by the petitioner. Earlier, the petitioner had filed Crl. O.P. No.9389 of 2021 praying for similar relief, which was dismissed by this Court vide order dated 26.5.21. Seeking bail, once again this petition has been filed.

3. Though the learned counsel seeks permission of this Court to withdraw this petition, however, learned Government Advocate appearing for the respondent police placed before this Court the statement recorded from the victim u/s 164 Cr.P.C.

4. A perusal of the statement of the victim recorded from the victim u/s 164 Cr.P.C. reveals that the victim had, in fact, in depth, spoken about the physical abuse, which has been meted out to her by various persons, including her uncle, her uncle's son and also the petitioner herein. The facts which have been enumerated by the victim further reveals that under the guise of religious acts of



warding off evil spirits, the petitioner had physically abused her on a number of occasions and for the said act, the aunt of the victim as well had been an accomplice. The victim had also narrated about the various physical abuses meted out to her by her uncle's son, even at her very tender age and also the physical abuse caused by her uncle, viz., the husband of her aunt. It is to be pointed out, with very great pain that the aunt of the victim is the sister of the victim's mother. Not only the physical abuses meted out the victim has been spoken to by the victim in the said statement, but also the mental abuses, which she had faced at the hands of her aunt and also the petitioner herein has been spoken to by her. The victim has also narrated the great difficulties, which she had faced in bringing the said facts to the knowledge of her mother, whereinafter she has been rescued and psychiatric treatment has been given to her. The victim has also gone on to state that she is giving all the statement after understanding the consequences and the implications thereof and also giving the same out of her free will and volition and that she has in no way been pressurised to give the said statement. This Court, after going through the said statement, could only sympathise with the victim and also visualise the abuses, which children have to face in the present day scenario.

5. Though the above facts are elicited in the statement recorded from the victim u/s 164 Cr.P.C., however, as the learned counsel, without making any submissions on the merits of the matter, merely wanted permission of this Court to withdraw this petition, this Court, without advertting to the merits of the issue and discussing the same, permits the petitioner to withdraw this petition.

6. Accordingly, this criminal original petition is dismissed as withdrawn.

-sd/-
28/06/2021

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 ,
W4 ALL WOMEN POLICE STATION KILPAUK,
CHENNAI.

2 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11028/2021

Date :28/06/2021

RW 22/07/2021