



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.11398 of 2021

S.VIJAYAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDAVASI,
TIRUVANNAMALAI DISTRICT.

[RESPONDENT]

For Petitioner : M/S.B.JAWAHAR Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 29.04.2021 for the offence punishable under Section 417, 376(2)(n), 506(i) of IPC and Section 5(j)(ii), 5(i) read with Section 6 of POCSO Act, 2012 in Crime No.06 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that the petitioner made a false promise to the victim girl to marry her and had sexual intercourse with her. thereby, she became pregnant and later he refused to marry her. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the above said offences and he is in judicial custody from 29.04.2021 onwards. Hence, he prays to grant bail.

4. The learned Government Advocate submitted that the victim child has been produced before the learned Judicial Magistrate, Vandavasi. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that the petitioner made a false promise to marry her and had sexual intercourse with her. Thereafter, the victim girl got pregnancy. Later he refused to marry her. When she told him to lodge a complaint, he took her to the hospital to terminate the



pregnancy. Due to insufficient money, the petitioner left the victim in the hospital and gone somewhere. Thereafter, the victim lodged a complaint against him and she admitted in the Tiruvannamalai Government Hospital and terminated her pregnancy. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from 164 statement that there is a serious allegation made against the petitioner and he made sexual assault on the victim child and hence, she became pregnant. Considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/07/2021

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 STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDAVASI, TIRUVANNAMALAI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11398/2021

Date :09/07/2021