



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16195 of 2021

IN S.SC.NO.2 of 2021

(ON THE FILE OF THE SESSION JUDGE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, VILLUPURAM)

ARULRAJ @ ARULMURUGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
AWPS, THIRKOILUR,
KALLAKURICHI DISTRICT.
CRIME NO.3/2020

[RESPONDENT]

For Petitioner : M/S.R.PUSHPALATHA 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 was arrested and remanded to judicial custody on 23.01.2020 for the offence punishable under Section 5(j)(ii), 5(k) and Section 6 of POCSO Act 2012 in Crime No.3 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the victim is aged about 17 years old and she is mentally retarded child. Taking advantage of her disability, the petitioner had committed the offence of sexual penetration against the child and thereby, she became pregnant. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioner is innocent and he has nothing to do with the alleged offence and prayed for grant bail to the petitioner.

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4. The learned Government Advocate submitted that the petitioner had sexually assaulted the victim. Due to which, she became pregnant and further, considering health of the victim, her pregnancy was terminated and the foetus was sent to DNA Test and the DNA result had been submitted by the Forensic Science Department, Chennai that the accused had committed the offence. He further submits that this Court had dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.10456 of 2021 dated 28.06.2021. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the gravity of the offence and this Court had dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.10456 of 2021 dated 28.06.2021 and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

07/09/2021

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 SESSION JUDGE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, VILLUPURAM.

2 THE INSPECTOR OF POLICE,
AWPS, THIRKOILUR,
KALLAKURICHI DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.16195/2021

Date :07/09/2021

RW 01/10/2021