



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16588 of 2021

IN SPL.S.C.NO.111 of 2020

(PENDING TRIAL ON THE FILE OF THE LEARNED SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, THIRUVANNAMALAI)

RISHI @ SURYA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-CHENGAM,
CHENGAM,
TIRUVANNAMALAI DISTRICT.
CRIME NO. 3 OF 2020.

[RESPONDENT]

For Petitioner : M/S.E.SATHIYARAJ, 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 on 06.09.2020 and remanded to judicial custody for the offences under Sections 363,376(1) of I.P.C r/w Section 4 and 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.3 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.08.2020, the petitioner had committed sexual assault with victim girl viz., Priyanka aged about 9 years. When the victim girl informed the same to her mother / defacto complainant, she lodged a complaint to the respondent police and the petitioner was arrested by the law enforcing agency and kept in Judicial custody. Hence the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 06.09.2020. The learned counsel further submitted that the petitioner was minor at the time of commission of offence and hence he has to be prosecuted under the Juvenile Justice Act. However, in order to implicate the petitioner in this case, the respondent police has registered a case and remanded to judicial custody and hence prays for bail.

4. The learned Government Advocate (Crl.Side) strongly opposed this petition and submits that the petitioner had committed sexual assault with a minor victim girl and since the commission of offence is very heinous in nature, prays for dismissal of this bail petition. He further submits that this Court had earlier dismissed the bail application for the petitioner in Crl.O.P.No.10602 of 2021 dated 05.07.2021.

5. This Court on perusal of 164 statement recorded from the victim girl observed that the victim girl had stated serious allegation against the petitioner.

6. In view of the above and taking note of the fact that this is the second bail application and the earlier bail application filed by the petitioner in Crl.O.P.No.10602 of 2021 dated 05.07.2021 was dismissed by this Court and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/09/2021

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 SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-CHENGAM,
CHENGAM, TIRUVANNAMALAI DISTRICT.

4 THE LEARNED SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

CC to M/S.E.SATHIYARAJ, Advocate on payment of necessary
charges

CRL OP.16588/2021

Date :09/09/2021

RW 22/09/2021