



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

Monday, the Twenty Seventh day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.17882 & 17883 of 2021

SPL.S.C.NO.106 OF 2021

(ON THE FILE OF LEARNED SPECIAL COURT OF POCSO CASES AT CHENNAI)

DIWAKAR

[PETITIONER / ACCUSED
IN CRL.O.P.No. 17882 OF 2021]

YUVARAJ

[PETITIONER / ACCUSED
IN CRL.O.P.No. 17883 OF 2021]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
W 23 ALL WOMEN POLICE STATION,
ROYAPETTAH, CHENNAI.
CR NO. 3/2021

[RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS]

For Petitioner : M/S.K.SELVAKUMARASWAMY Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in both the petitions were arrested on 01.05.2021 for the offence punishable under Sections 354,354(B),363,376 of I.P.C and 5(m)(I) r/w 6 of POCSO Act, 2012 in Cr.No.3 of 2021 seek bail.

2. The case of the prosecution in Crl.OP.Nos. 17882 of 2021 is that is that the petitioner had committed sexual assault on the minor victim girl aged about 7 years. Hence, the complaint.



3. The case of the prosecution in Crl.OP.Nos. 17882 of 2021 is that the petitioner had committed sexual assault on the minor victim girl aged about 7 years. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate would submit that on different occasions the petitioners committed sexual assault on the minor victim girl. He further submits this is the third bail application and the earlier applications filed by the petitioners were dismissed by this Court in Crl.O.P.Nos.10147 and 9832 of 2021 dated 15.06.2021 and Crl.O.P.Nos.12102 and 14570 of 2021 dated 12.07.2021 and 17.08.2021 respectively. Hence he vehemently opposed for grant of bail to the petitioners.

5. I have heard the rival submissions and perused the 164 statements recorded from the victim girl, wherein the victim girl has clearly stated that the petitioners had sexually assaulted the victim girl.

6. Taking into consideration gravity of offence committed by the petitioners and earlier applications were dismissed by this Court and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, these Criminal Original Petition are dismissed.

-sd/-
27/09/2021

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 SPECIAL COURT OF POCSO CASES,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W 23 ALL WOMEN POLICE STATION,
ROYAPETTAH, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL Ops.17882 & 17883/2021

Date :27/09/2021

INBA-11/10/2021