



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19240 of 2021

VIJAYAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.
(CR.NO.463 OF 2021)

[RESPONDENT]

For Petitioner : M/S. J.BHARATHI RAJA 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 02.09.2021 for the alleged offences punishable under Sections 323, 506(i) of IPC and Sections 3 r/w 4 of POCSO Act 2012 in Crime No.463 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 14 years and three months prior to the occurrence, the accused followed the victim girl whenever she goes out of her home. On 31.08.2021 at about 11.00 p.m., when the victim girl gone out of her house to bathroom, the petitioner came from the street nearby the house of the victim girl and caught hold of her hands and took her to the jasmine garden and attempted to kiss the victim and assaulted on her back and pushed her down and made her to lie down and attempted to commit penetrative sexual assault by removing her pant and inner wear and at that time the victim girl pushed down the accused and the accused threatened the victim girl not to disclose the matter to any one.Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that due to family dispute between the petitioner's



family and the defacto complainant's family, a false case has been registered against the petitioner. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the victim girl is aged 14 years old and Section 164 Statement was recorded from the victim girl. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances and on perusal of 164 Statement which shows that there were serious allegations levelled against the petitioner and the gravity of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
20/10/2021

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,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

2 THE OFFICER INCHARGE,
DHARMAPURI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. J.BHARATHI RAJA Advocate on payment of necessary charges

CRL OP.19240/2021

Date :20/10/2021