



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19767 of 2021

MOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COIMBATORE EAST,
COIMBATORE DISTRICT.
CR.NO.15 OF 2021

[RESPONDENT]

For Petitioner : M/S. C.MOHANRAJ Advocate

For Respondent : M/S. 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 23.08.2021 for the alleged offences punishable under Sections 9(n)(1) and 10 of POCSO Act,2012 and Section 506(i) of IPC in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the distant relative of the defacto complainant and the petitioner has committed aggravated sexual assault and molested on the minor victim girl/defacto complainant's daughter aged about 16 and also threatened the victim girl with dire consequences. 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 has been in jail from 23.08.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the statement of the victim girl u/s 164 Cr.P.C was recorded.



5. On perusal of the statement recorded under Section under 164 of Cr.P.C, reveals that the petitioner has committed aggravated sexual assault and molested the minor victim girl/defacto complainant's daughter aged about 16 and also threatened the victim girl. He further submits that the petitioner's earlier bail petition was dismissed by this Court in CrI.OP.No.17907 of 2021 dated 04.10.2021.

6. Considering the facts and circumstances of the case and considering the submissions made by both counsel and on perusal of 164 Statement reveals that there was a serious allegations levelled against the petitioner and he has involved in heinous offence and also the fact that there is no change of circumstances after the dismissal of the petitioner's bail petition, this court is not inclined to grant bail to the petitioner and further, the petitioner had deliberately suppressed the earlier dismissal order, this Court imposed a cost of Rs.2,000/- which shall be paid by the petitioner to the Legal Services Authority, Coimbatore District.

7. Accordingly, this Criminal Original Petition is dismissed with the above directions.

-sd/-

29/10/2021

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,
ALL WOMEN POLICE STATION,
COIMBATORE EAST, COIMBATORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE SECRETARY,
TAMILNADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS



5 THE SECRETARY,
DISTRICT LEGAL SERVICES AUTHORITY,
COIMBATORE DISTRICT.

WEB COPY

CC to M/S. C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.19767/2021

Date :29/10/2021

APN 16/11/2021