



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20451 of 2021

RAJKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.
CRIME NO.18 OF 2021

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : Mr.A.Gopinath Government 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 08.10.2021 for the alleged offences punishable under Sections 5(1),5(n),5(j)(ii)r/w 6 of Protection of Children from Sexual Offence Act 2012 in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the 164 Statement of the victim girl, pursuant to the registration of the case in Crime No.18 of 2021, the allegation has also been made on the petitioner that the petitioner had sexual assault on the victim girl aged 14 years without her consent on false promise that he would marry her while she was staying alone in her house. Hence, the present 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. Infact, as per FIR, initially, the allegations were levelled against one Kottaiyan for the aforesaid offence and he was arrested and remanded to judicial custody and no allegations was made against the petitioner and after recording the statement of the victim girl under Section 164 Cr.P.C, his name has been included in this case. 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 has been recorded. He further submits that investigation is pending.

5. A perusal of the statement of the victim girl recorded under Section under 164 of Cr.P.C, reveals that the petitioner forcibly entered into the victim girl's house and un-dressed the victim girl and performed sexual assault with the victim girl and the same was seen by his paternal uncle . Thereafter, it is alleged that the Inspector of Police and the officials of the law enforcing agency assaulted the victim girl and forced her to disclose the name of Al/Kottaiyan. As per 164 Statement of the Victim girl, there are serious allegations made against the law enforcing agency.

6. In view of the above, there being serious allegations against the petitioner, this Court is not inclined to grant bail to the petitioner. Further, this Court directs the Superintendent of Police, Krishnagiri, to conduct enquiry based on the 164 Statement of the Victim girl recorded by the Judicial Officer and if any allegations made against the law enforcing agency is proved, the concerned Officer shall take proper action against the concerned Inspector who committed the heinous offence on the victim girl.

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

-sd/-

02/11/2021

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 OF POLICE,
KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI, KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.20451/2021

Date :02/11/2021

RVR 19/11/2021