



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24268 of 2021

KESAVASARMA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UDUMALAIPET, TIRUPPUR DISTRICT.
(CRIME NO.22/2021)

[RESPONDENT]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 02.11.2021 for the offence under Section4(2), 5(1), 5(j)(ii) r/w 6 of POCSO Act in Crime No.22 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that the petitioner had sexual intercourse with the victim girl and she become pregnant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner and victim had loved each other. He further submits that the petitioner has been suffering incarceration for more than 40 days from 02.11.2021. He would pray for grant of bail to the petitioner.



4. The Learned Government Advocate (Crl. Side) raised objection stating that fetus extracted from the victim girl is sent to the Chennai Forensic Science Department and the DNA test is yet to be done for victim girl. Hence, he vehemently raised objection to grant bail.

5. Considering the fact and circumstance of the case, investigation is pending and the minor girl was misused by the petitioner and she was pregnant and the statement under Section 164 of Cr.P.C has not been recorded, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

14/12/2021

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,
UDUMALAIPET, TIRUPPUR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.24268/2021

Date :14/12/2021

CSK 03/01/2022