



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.31 of 2022

SPL.S.C.NO.157/2021

(ON THE FILE OF THE SPECIAL COURT EXCLUSIVE TRIAL OF CASES UNDER
POCSO ACT, CHENNAI)

VISWANATHAN @ VIJI

[PETITIONER/ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
W-5, ALL WOMEN POLICE STATION,
VEPERY, CHENNAI.
CRIME NO.2 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M.HUSSAINI BASHA, 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 case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody for the offences under **Sections 366, 343, 328, 354(B), 376(3) IPC r/w Section 5(I), (J), (ii) (n), 6 of POCSO Act,** in Crime No.2 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant sister's daughter aged about 13 years was subjected to penetrative sexual assault by the petitioner due to which, she became pregnant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation has been completed and the charge sheet has also been filed and the same has also been taken on file and that the petitioner has been suffering incarceration for more than 190 days from 26.06.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is aged about 46 years and the victim is a minor aged only about 13 years and that the petitioner sexually assaulted and impregnated the victim girl and now the victim is staying in a private home but admits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation has been completed and the charge sheet has been filed.

5. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C., reveals that the petitioner has sexually assaulted the minor victim girl and impregnated her and also threatened her.

6. On seeing the above facts and circumstances of the case and the conduct of the petitioner, this Court is of the opinion that if the petitioner is released on bail, there is every possibility of the petitioner getting abscond and tampering the evidence. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
05/01/2022

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 EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE
W-5, ALL WOMEN POLICE STATION,
VEPERY, CHENNAI.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

CC to M/S.M.HUSSAINI BASHA, Advocate on payment of necessary
charges

CRL OP.31/2022

Date :05/01/2022

TA-20/01/2022