



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.1723 of 2022

S.SHABEER

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
W-20, ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI 600 015
(CRIME NO.662/2021)

[RESPONDENT]

For Petitioner : M/S Y.TAMILSELVAN Advocate

For Respondent : MR. S.UDHYAKUMAR, 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 17.08.2021 for the offence punishable under Section 8 of Protection of Children from Sexual Offences Act, 2012 in Crime No.662 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused and one Kapil and the victim girl are friends through chat on Instagram/facebook and they continued their relationship through Instagram and sharing messages through facebook and instagram. When the defacto complainant came to know that, she had advised her daughter to stop their relationship. In consequence, during midnight, the victim girl left from her home to Thiruvannamalai to meet the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the above said offences and he is in judicial custody from 07.08.2021 onwards. He further submitted that there is no sexual assault committed against the victim by the petitioner. Hence, he prays to grant bail.



4. The learned Government Advocate submitted that this is the 4th bail application of the petitioner and the earlier petitions were dismissed by this Court. The victim child has been produced before the learned IX Metropolitan Magistrate, Saidapet, Chennai. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that the petitioner called and threatened the victim girl to come Thiruvannamalai and booked a room in a lodge and committed sexual assault against her. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from 164 statement that there is a serious allegation made against the petitioner, considering the gravity of the offence and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/02/2022

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 INSPECTOR OF POLICE,
W-20, ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI 600015

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S Y.TAMILSELVAN
charges Sr.2453

Advocate on payment of necessary

CRL OP.1723/2022

Date :16/02/2022

RVR 24/02/2022