



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.3376 of 2022

MANIKANDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
W-8 ALL WOMEN POLICE STATION,
THIRUMANGALAM,
CHENNAI DISTRICT.
CRIME NO.1052 OF 2021

[RESPONDENT]

For Petitioner : M/S.G.MOHAMMED ASEEP, Advocate

For Respondent : MR. L.BASKARAN, Additional public Prosecutor

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 12.09.2021 for the offences under Sections 366(A) IPC and Section 5(1) read with 6 of Protection of Children from Sexual Offences Act 2012, in Crime No.1052 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner harassed and committed penetrative sexual harassment on the daughter of the defacto complainant who is aged about 17 years on many occasions. 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 and that he has been suffering incarceration for more than 165 days from 12.09.2021 and the investigation has been completed and the charge sheet has also been filed. 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 assaulted and committed penetrative sexual assault on the victim girl aged about 17 years but admits that the statement of the victim girl has been recorded under Section 164 Cr.P.C.

5. A perusal of the statement of the victim girl has been recorded under Section 164 Cr.P.C. reveals that the petitioner under the guise of marrying the victim girl committed penetrative sexual assault on the victim girl by assaulting and harassing her.

6. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the gravity of offence committed by the petitioner and there is no change of circumstances after the dismissal of the petitioner's earlier bail petition, this court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
18/02/2022

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 THE INSPECTOR OF POLICE,
W-8 ALL WOMEN POLICE STATION,
THIRUMANGALAM,
CHENNAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.MOHAMMED ASEEP, Advocate on payment of necessary charges

CRL OP.3376/2022

Date :18/02/2022

JPA 25/02/2022