



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3042 of 2022

KESAVAN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THROUGH THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM, VILLUPURAM DISTRICT.
(CRIME NO. 27 / 2021)

For Petitioner : M/S.R.BALAKRISHNAN Advocate

For Respondent : Ms.G.V.KASTHURI 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 30.12.2021, for the alleged offence under Section 354-A of IPC and under Section 12 of POCSO Act, 2012, in Crime No.27 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant got married to the petitioner and they are blessed with three daughters. The petitioner was doing milk business. Due to family dispute, the defacto complainant had gone to her mother's house and on 27.12.2021, the petitioner in a drunken mood, had committed the offence of sexual harassment to the victim girl, aged about 16 years, who is none other than his own daughter. Hence, the complainant.

3. The learned counsel for the petitioner would submit that due to family dispute, the petitioner was falsely implicated in this case and in otherwise, he did not commit any offence as alleged by the prosecution. According to him, the petitioner is in judicial custody from 30.12.2021 onwards and hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection by stating that the victim girl is the blood daughter of the petitioner and the gravity of the offence committed by the petitioner is severe in nature. She further submits that though statement u/s 164 Cr.P.C. has been recorded from the victim girl, the investigation is pending and if these type of petitioners are released on bail, they would try to tamper the evidence and hamper the investigation. Therefore, she vehemently opposed for grant of bail to the petitioner.

5. The submissions made by the learned counsel on either side are considered.

6. The 164 Cr.P.C. statement recorded from the victim girl is also placed before this Court for perusal. During the time of occurrence, the petitioner, being the father of the victim child, in a drunken mood invited the victim child for physical relationship and committed the offence of sexual harassment on the victim girl. The said averments found in the copy of the FIR and 164 Cr.P.C statement discloses the fact that the offence committed by the petitioner is an indigestible one. Accordingly, this Court comes to the conclusion that the offence committed by the petitioner is grave in nature and if this type of petitioner is released on bail, he may try to tamper the evidence and hamper the investigation. Hence, taking into consideration all these aspects, this Court is not inclined to grant bail to the petitioner and the same is dismissed.

-sd/-

09/02/2022

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 STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM, VILLUPURAM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary
charges

CRL OP.3042/2022

Date :09/02/2022

CSK 18/02/2022