



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.3663 of 2022

IN

SPL.SC.NO.157/2021

(On the file of the Special Sessions Judge for exclusive trial under
Pocso act Cases Chennai)

VISWANATHAN @ VIJI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
W-5, ALL WOMEN POLICE STATION,
VEPERY, CHENNAI.
(CR.NO.2 OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.HUSSAINI BASHA Advocate

For Respondent : M/S. L.BASKARAN, 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 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 45 days from 05.01.2022. 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. He further submits that the petitioner's bail petition was earlier dismissed by this Court in Crl.OP.No.31 of 2022 dated 05.01.2022.

5. 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, if he released on bail he may tamper the evidence and further 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 petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

25/02/2022

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 SPECIAL SESSIONS JUDGE
FOR EXCLUSIVE TRIAL UNDER POCSO ACT CASES,
CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3663/2022

Date :25/02/2022

CSK 03/03/2022