



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4074 of 2022

VENGADESAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NEYVELI,
CUDDALORE DISTRICT.
(CRIME NO.18 OF 2021)

[RESPONDENT]

For Petitioner : M/S.K.BALASUBRAMANIAM Advocate

For Respondent : Mrs.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 29.09.2021 for the offences punishable under Section 450 IPC r/w Sections 3, 4, 5(m), 6 of POCSO Act in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner sexually assaulted the de facto complainant's daughter, who is aged about 9 years. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide any condition imposed by this Court. It is his specific submission that the petitioner is in judicial custody from 29.09.2021 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the gravity of offence committed by the petitioner, is so severe and hence, if this type of petitioner is released on bail, he may try to tamper the witness and hamper the investigation. However, she admits that, as of now, after completing the investigation, Charge Sheet has been filed before the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Section 450 IPC r/w Sections 3, 4, 5(m), 6 of POCSO Act. The averments found in the First Information Report and the statement given by the victim girl before the learned Magistrate under Section 164(5) of Cr.P.C. would disclose the fact that during the relevant point of time, the petitioner herein after taking nude photograph of the victim girl, who is aged about 9 years, made threatening and compelled her for physical relationship. Further, when at the time, the petitioner attempted for complete the physical relationship, due to alarm raised by the victim girl, the accused ran away from the scene of occurrence. The offence committed by the petitioner is so severe and hence, if this type of petitioner is released on bail, he may try to tamper the witness and hamper the investigation. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/02/2022

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 SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NEYVELI, CUDDALORE DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary
charges

CRL OP.4074/2022

Date :21/02/2022

RW 01/03/2022