



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

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7062 of 2022

S.SHABEER

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.K.KANNAN, Advocate for
M/S.Y.TAMILSELVAN Advocate

For Respondent : MR. S.UDAYAKUMAR, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This is the fourth bail petition filed by the petitioner. The earlier three bail petitions were dismissed by this Court vide detailed order. In fact, this Court had even cancelled the bail granted to the petitioner by the lower Court, on the ground of suppression of material facts. In the said backdrop, the present bail petition, the fourth in the series, has been filed by the petitioner.

2. The petitioner was arrested and remanded to judicial custody for the offence punishable u/s 8 of the Protection of Children from Sexual Offences Act in Crime No.662 of 2021 on the file of the respondent police.



3. It is the case of the prosecution that the petitioner, through the social networking platform had developed friendship with the victim girl, which relationship continued and the petitioner had shared explicit messages with the victim girl and even forced the victim girl to come out of the house to his place at Tiruvannamalai by coercion, intimidation and threatening from where the victim girl was secured on the basis of the complaint lodged by the defacto complainant.

4. Learned counsel appearing for the petitioner submitted that the petitioner is in no way connected with the offences and that he is in judicial custody from 7.8.2021. It is the further submission of the learned counsel that the petitioner had not perpetrated any sexual assault on the victim. Though the petitioner was granted bail by the lower court, however, the same was cancelled by this Court due to inadvertence on the part of the counsel for the petitioner not disclosing about the filing of the petition before this Court. It is the further submission of the learned counsel that considering the period of incarceration and also the fact that the statement of the victim u/s 164 Cr.P.C. has been recorded and the length of the investigation, this Court may enlarge the petitioner on bail.

5. Learned Addl. Public Prosecutor appearing for the respondent vehemently opposed the grant of bail and further submitted that the statement of the victim recorded u/s 164 Cr.P.C. is self-explanatory, in that the victim had spoken about the direct threats meted out to her and her family members and also the sexual intimidation that the victim had at the hands of the petitioner.

6. This Court gave its careful consideration to the submissions advanced on either side and also perused the statement of the victim recorded u/s 164 Cr.P.C., and also the earlier orders passed by this Court, which reveals that there were direct threats meted out to the victim and also her family members by the accused and also taking into consideration the further statements of the victim and the veiled sexual threats meted out to the victim and there being no change in circumstance having brought to the notice of this Court on behalf of the petitioner, this Court is not inclined to grant bail.

7. Accordingly, there being no change of circumstance this criminal original petition fails and the same is dismissed.

-sd/-

29/03/2022

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, PUZHAI,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-20 ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI 600 015.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.Y.TAMILSELVAN Advocate on payment of necessary
charges SR.NO. 4897

CRL OP.7062/2022

Date :29/03/2022

RW 06/04/2022