



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.04.2022

Pronounced on : 13.04.2022

WEB COPY

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8254 of 2022

Dass, Male aged about 52 years, ... Petitioner/sole accused
S/o.Ethiraj,
No.331, Kalyanapuram, 4th Street,
Elephant gate, Chennai.
Now he is confined at Central prison, Puzhal, Chennai.

/versus/

The Inspector of Police, ... Respondent/Complainant
All Women Police Station,
Flower Bazaar Police Station, Chennai.
(Crime No.13 of 2021)

Prayer: This Criminal Original Petition is filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in Crime No.13 of 2021 on the file of the Inspector of Police, All Women Police Station, Flower Bazaar Police Station, Chennai.

For Petitioner : Mr.M.Senthil Kumar

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 30.11.2021, for the offences punishable under section 4 of POCSO Act and 294(b), 506(2) of I.P.C., in Crime No.13 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner, who is residing in the opposite house of the victim minor girl alleged to have committed penetrative sexual offence at knife point on 19/11/2021. The complaint was given on 30.11.2021, after delay of 12 days. On completion of investigation, the respondent has filed final report. Citing the delay in filing the First Information Report and completion of investigation, the petitioner seeks bail.



3. The perusal of F.I.R and the Section 164 Cr.P.C statement of the victim girl aged 17 years indicates that, the petitioner, who is 52 years old man, residing opposite to the victim house has alleged to have committed penetrative sexual offence on 19/11/2021, putting the victim under fear of killing her and her family. Out of fear, she has not disclosed it to others. When the petitioner again called her to have sex on 28/11/2021, she reported it to her mother. When her mother questioned the petitioner about his conduct, the petitioner has used abusive words and invited the mother of the victim to have sex with him. Thereafter, the victim and her mother have decided to report the matter to the police.

4. The reason for delay is explained in the F.I.R itself. Taking note of the fact that, the accused and the victim are living nearby and, if, the petitioner is released on bail, tampering the witnesses is highly possible. Hence, this Criminal Original Petition is dismissed.

-sd/-
13/04/2022

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 FOR EXCLUSIVE
TRIAL OF OFFENCES UNDER POCSO ACT, SESSIONS
JUDGE, CHENNAI.

2 THE INSPECTOR OF POLICE
W-10, ALL WOMEN POLICE STATION, FLOWER
BAZAAR POLICE STATION, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SECTION OFFICER
E.R. SECTION, HIGH COURT, MADRAS.

CC to M/S. M. SENTHIL KUMAR Advocate on payment of necessary
charges

CRL OP.8254/2022

Date :13/04/2022

JPA 21/04/2022