



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

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9784 of 2022

GOVINTHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THOROUGH THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
VILLUPURAM,
CRIME NO.16/2022

[RESPONDENT]

For Petitioner : M/S. R.THIRUMOORTHY 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 herein, who was arrested on 10.02.2022 for the offences punishable under Sections 294(b) and 323 of IPC and Sections 5(i), 5(j)(ii) and 6 of POCSO Act, in Crime No.16 of 2022, on the file of the respondent Police, seeks bail.

2. The petitioner herein is the father of the minor girl, who has now delivered a child on 04.04.2022. A complaint has been registered alleging that the petitioner and his friend residing in the neighbouring house had caused the penetrative sexual assault on the minor girl and impregnated her.

3. The learned counsel for the petitioner would submit that the petitioner is the father of the victim girl and he has not committed any offence as alleged. Even according to the victim girl, she has not mentioned anything against this petitioner, who was implicated for sexual assault.



4. This Court on reading the First Information Report and 164(5) statement of the victim girl and the development in this case i.e., child birth to the minor girl, considering that the investigation is to proceed once, the DNA report is received from the laboratory, which is awaited, unless and until the report is received, the presumption against this petitioner cannot be shifted, since he was the person living with the minor girl in the same room and when the matter was reported to the authorities, the girl was about 8 months pregnant. Therefore, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

27/04/2022

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 OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.

2 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9784/2022

Date :27/04/2022

RW 06/05/2022