



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11839 of 2022

SPL.SC.NO. 70/2022

(ON THE FILE OF THE LEARNED SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT 2012, VELLORE, VELLORE DISTRICT)

SHANMUGA BHARATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
TIRUPPATHUR DISTRICT.
CRIME NO.39 OF 2022.

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.A.DAMODARAN, 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 04.02.2022 at the hands of the respondent police for the offences punishable under Sections 363, 366 of IPC and Sections 5(1) and 6 of Protection of Children from Sexual Offence Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.39 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner and defacto complainant are neighbours. The victim girl is aged about 15 years who is the daughter of the defacto complainant. The petitioner had directed the victim girl to come to a place and had physical relationship with her. Hence the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner fell in love with the victim girl who is aged about 15 years. Thereafter, on her consent they had physical relationship. However, the defacto complainant who is the mother of the victim girl lodged a complaint as if the petitioner kidnapped the victim girl and had penetrative sexual assault on the victim girl. The petitioner was arrested and remanded to judicial custody on 04.02.2022. Hence, he sought for bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner on the pretext of false marriage, on compulsion had sexual intercourse with the victim girl who is aged about 15 years. He had also produced the statement recorded under Section 164 Cr.P.C. A perusal of the statement revealed that the petitioner had committed aggravated penetrative sexual assault on the victim girl and he had also threatened the victim girl with dire consequences if she discloses to anybody else about the sexual intercourse between them. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the above facts and circumstances of the case, since the petitioner has committed very serious and heinous offence as against the victim girl, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

06/06/2022

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 JUDGE FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT 2012,
VELLORE.

2 THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
TIRUPATHUR DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges

CRL OP.11839/2022

Date :06/06/2022

TA-09/06/2022