



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.12091 of 2022

SPL.S.C.NO.157/2021

(ON THE FILE OF THE SPECIAL SESSIONS JUDGE FOR EXCLUSIVE TRIAL UNDER
POCSO ACT, CHENNAI)

VISWANATHAN @ VIJI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
W-5 ALL WOMEN POLICE STATION,
VEPERY, CHENNAI.
CRIME NO.02 OF 2021.

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

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 26.06.2021 for the alleged offence under Sections 366, 343, 328, 354(B), 376(3) I.P.C. and 5(j)(ii), 5(1), 5(n) r/w 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 in Crime No.2 of 2021 on the file of the respondent police and the trial is pending in Spl.S.C.No.157 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant sister's daughter aged about 13 years was subjected to penetrative sexual assault by the petitioner, due to which, she became pregnant. Hence, the complaint.



3. The learned counsel appearing for petitioner would submit that this is the third petition praying for bail and now the respondent police filed the final report in Spl.S.C.No.157 of 2021 on the file of learned Special Sessions Judge for Exclusive trial under POCSO Act, Chennai. He would also submit that he is in jail for nearly one year and prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is aged about 46 years and the victim girl is a minor aged about only 13 years and that he has sexually assaulted her and impregnated her. He would also submit that the trial court posted the hearing for trial on 20.06.2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner and also considering the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
15/06/2022

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 SESSIONS JUDGE
FOR EXCLUSIVE TRIAL UNDER POCSO ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-5 ALL WOMEN POLICE STATION,
VEPERY, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges

CRL OP.12091/2022

Date :15/06/2022

TA-22/06/2022