



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Third day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.25679 of 2021

IN

SPL.S.C.No.2 of 2021

(On the file of the Special Court of Exclusive Trail of Cases under  
POCSO Act,Villupuram)

ARULRAJ @ ARUL MURUGAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

STATE REP BY STATION HOUSE OFFICER,

ALL WOMEN POLICE STATION

THIRUKOVILUR POLICE STATION,

VILLUPURAM.

(CRIME NO. 3 OF 2020)

For Petitioner : M/S.M.KARTHIK Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.01.2020 for the offences under Sections 5(j) (ii), 5(k) and 6 of POCSO Act 2012 , in Crime No.3 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was released on interim bail by the Special Court of Exclusive Trail of cases under POCSO Act, villupuram, in crime No. 3 of 2020 on the file of the respondent police, later, the petitioner was failed to appear before the concerned Court for trial, due to which, a Non Bailable warrant was issued against him. Hence the present bail petition.



3. The learned counsel for the petitioner submits that he has been falsely implicated in this case. He further submits that the petitioner was not appeared before the concerned Court, due to the fact that his family members were affected by the Covid - 19. He further submits that the petitioner's absence was neither willful non wanton. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that petitioner was released on bail by the Special Court of Exclusive Trail of cases under POCSO Act, Villupuram, later, he failed to appear before the Court during trial, hence, the concerned Court issued the Non bailable warrant against the petitioner. He further submits that DNA test report also proved that the petitioner is the biological father of the foetus. He also submits that the Statement of the victim girl under Section 164 of Cr.P.C was recorded through one Tmt. Leesa @ Lisi Diana Mary (Special Coacher) and a perusal of the same reveals that the petitioner has committed penetrative sexual assault against the victim and also reveals that the minor victim girl is a deaf and dumb and now the minor victim girl is six months pregnant. He further submits that the petitioner is still absconding. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that as per The DNA test report the petitioner was the biological father of the foetus and the 164 Statement also reveals that the petitioner has committed sexual assault against the victim girl and he also threatened her at the time of occurrence and also the offence committed by the petitioner is heinous one, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed with a direction to the respondent police to secure the petitioner and remanded him to the judicial custody forthwith.

-sd/-  
03/01/2022

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.



1 THE SPECIAL COURT OF EXCLUSIVE TRIAL OF CASES  
UNDER POCSO ACT, VILLUPURAM.

2 THE OFFICER INCHARGE,  
SUB JAIL, VEDAMPATTU

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,  
ALL WOMEN POLICE STATION  
THIRUKOVILUR POLICE STATION,  
VILLUPURAM.

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

CRL OP.25679/2021

Date :03/01/2022

CSK 06/01/2022