



WEB COPY



CrI.O.P.No.29078 of 2023

CrI.O.P.No.29078 of 2023

P.DHANABAL, J.

The petitioner who was arrested and remanded to judicial custody on 06.10.2023, seeks bail in Crime No.207 of 2023, which was registered by the respondent Police for the offences under Sections 294(b), 302, 324 of IPC and Section 5(1), 6 of Protection of Children from Sexual Offences Act in Spl.S.C.No.140 of 2023, pending trial on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Cuddalore.

2. The case of the prosecution is that the deceased and the petitioner are friends. While playing cricket, the deceased suffered injury and immediately, he was hospitalized by the petitioner. Thereafter, while they were returning from hospital, the petitioner took the deceased to his home, locked the door and insisted the deceased for homosexuality, the deceased refused and pushed the petitioner away and went to his house. The further case of the prosecution is that the petitioner had taken screen shot of the instagram chatting of the deceased with one girl and blackmailed him to have homosexuality with him once for a week, in turn, the deceased had



CrI.O.P.No.29078 of 2023

broken the petitioner's cell phone. Following which, the petitioner had gone to the deceased house and complained to his mother/defacto complainant about the phone. She had informed that she would bought a new phone for the petitioner. While being so, on 03.10.2023, the deceased went to school along with his friend, at that time, the petitioner came and asked the deceased about purchasing of new phone and stabbed him with knife and thereby, the petitioner had sustained fatal injuries and died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 06.10.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner had stabbed the deceased with knife and caused fatal injuries to him and thereby, the deceased died. She has also submitted that the charge sheet has been filed and the case was taken on file in



Crl.O.P.No.29078 of 2023

Spl.S.C.No.140 of 2023 before the Special Court for Exclusive trial of POSCSO Act Cases, Cuddalore. Since the offences are greivous in nature, she strongly opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions on either side and also considering the gravity of the offence, and considering that the victim was not examined so far, I am declined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

28.12.2023

Vv/vca



WEB COPY



Crl.O.P.No.29078 of 2023

P.DHANABAL, J.

Vv/vca

Crl.O.P.No.29078 of 2023

28.12.2023