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Crl.O.P.No.31492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31492 of 2024

Rizwan

... Petitioner

Vs.

The State of Tamil Nadu

Rep. by the Inspector of Police

Cr.No.552 of 2024 of Minjur Police Station

I/C Ambattur All Women Police Station

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.552 of 2024 on the file of the respondent police, Minjur Police Station (I/C Ambattur All Women Police Station).

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.552 of 2024 registered for the offences punishable under Section 87, 351(3) of BNS and u/s.6 r/w.4 of POCSO Act, 2012, is on board for consideration.

2.The incarceration of the petitioner being from 07.11.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the offences as alleged by the prosecution and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution is that, based on a complaint filed by one Indhira, the mother of the victim girl, who reported her 15 years old daughter missing, a case was registered as Cr. No. 552 of 2024 for the missing girl. Later, the girl was traced near Korukkupettai railway station, where the accused, identifying himself as Vijay, allegedly took her to the rear side of Washermenpet Metro Station, there, he sexually assaulted her under threat and warned her of dire consequences.

4.The learned Government Advocate (Criminal Side), while opposing the grant of bail, submits that the minor victim girl had gone missing from her home, and a case was registered based on a complaint filed by her mother in Cr. No. 552 of 2024. The girl was later traced with injuries and she had stated that the accused, who identified himself as Vijay, threatened her at knife point and sexually assaulted her. He further submits that the identification of the accused was corroborated by CCTV footage from a nearby bakery. He further submits that a statement under Section 183(5) of the BNSS was recorded from the



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victim girl.

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5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the statement of the victim girl recorded under Section 183(5) of BNSS and considering the fact that this is not a case of love affair but one where the petitioner, under threat, raped the minor victim girl, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

17.12.2024

sai

To

1.The Inspector of Police
Minjur Police Station
I/C Ambattur All Women Police Station

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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