

In the Court of Sessions Judge, Special Court for trial of cases under
POCSO Act, Madurai.

Present: Tmt. J. Flora, M.L.,
Sessions Judge, Special Court for trial of cases under
POCSO Act, Madurai.

Dated this the 11th day of May 2020.

e. Criminal Miscellaneous Petition No.19/2020

Gurusamy
S/o. Vellaiyan

-- Petitioner /Accused

/vs/

State through the Inspector
of Police, Tallakullam AWPS ,
in Crime No.13/2020

-- Respondent/ Complainant.

ORDER

This petitioner who is arrayed as Accused has filed this petition under Section 438 of Criminal Procedure Code seeking the relief of Anticipatory bail in respect of the alleged commission of offence punishable u/s 7 r/w 8 of POCSO Act.

Heard both sides through Conference call

The case of the prosecution is that the victim girl aged 14 years was studying 9th Std in CEOA school and on 20.3.2020 at 7.30 p.m. while she was playing near her residence, the Petitioner/Accused being her neighbour had committed sexual assault on her and thus the case was registered.

The learned counsel for the Petitioner/Accused submitted that there was dispute between the defacto complaint the mother of the victim girl and the petitioner/accused in regard to the usage of compound wall, due to which there was enmity and so he has been implicated in this case and prays to enlarge him on anticipatory bail.

The learned Special Public Prosecutor had contended that the Petitioner /Accused is a retired Central Government Employee and that he had committed sexual assault on the victim girl aged 14 years and that the investigation is in initial stage and that 164 Crpc statement of the victim girl is not yet recorded and hence, strongly objected to enlarge the petitioner on bail.

Perused the case records . According to the prosecution the accused Gurusamy aged 67 years had committal sexual assault on the victim girl aged 14 years, while she was playing near her residence. Further it is alleged that, after the incident the accused has been absconding that the investigation is in initial stage. Considering the materials on records, as it is disclosed that there is prima facia involvement of the petitioner in the sexual assault on a minor, and in view of the gravity of the offence, I am of the view that this is not a fit case to grant anticipatory bail to the petitioner . Hence this petition is liable to be dismissed.

In the result, the petition is dismissed.

Sessions Judge,
Special Court for trial of cases under
POCSO Act, Madurai.

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