

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 29th day of May 2020.

e.Criminal Miscellaneous Petition No.29/2020

Veeran,  
S/o.Ganesan

-- Petitioner /Accused

/vs/

State through the Inspector  
of Police, AWPS Madurai South,  
in Crime No.20/2020

-- Respondent/ Complainant.

### ORDER

This petitioner/accused had filed the petition seeking bail. The petitioner/accused was arrested and remanded to judicial custody on 19.5.2020 for alleged offences punishable u/s 354, 294(b), 506(i), 7 and 8 of Protection of Children from Sexual offences Act 2012.

Heard both sides through Audio Conference call

The case of the prosecution is that the petitioner/accused had developed acquaintance with the victim girl who was studying 12<sup>th</sup> standard in N.S.S.B School Palanganatham and the victim girl on coming to know that the petitioner/accused was a person of bad character, had curtailed the relationship and on 17.05.2020 at 7.00 pm. the petitioner/accused had come to her house threatened her to love him and had committed sexual assault and when the same was questioned by her mother, he had assaulted her mother and criminally intimidated them due to which the victim girl preferred the complaint and thus the case was registered.

The learned counsel for the Petitioner/Accused submitted that due to previous enmity between the petitioner/accused and the defacto complainant, the complaint was preferred, that the victim girl and the petitioner/accused were lovers, that the petitioner/accused is the sole bread winner of the family and that the petitioner/accused is in judicial custody for the past 11 days and prays to release the petitioner/accused on bail.

The learned Special Public Prosecutor had contended that the petitioner /accused was involved in offences u/s. 354, 294(b), 506(i), 7 and 8 of Protection of Children from Sexual offences Act 2012, the age of the victim girl is 16 years, the petitioner/accused had committed sexual assault on the victim girl, used filthy language, assaulted the mother of the victim criminally intimidated the victim girl and her mother, the 164 Cr.P.C statement of the victim girl

is not yet recorded, the petitioner/accused has not been produced for medical examination till date and hence strongly objected to enlarge the petitioner on bail.

Perused the case records . According to the prosecution the petitioner/accused is alleged to have developed acquaintance with the victim girl aged 16 years, thereafter she did not continue the relationship on coming to know his true colour and on 17.05.2020 at 19.00 hours the petitioner/accused went to the house of the victim girl had threatened her to develop relationship with him, pulled her nighty and thus committed sexual assault and when the same was questioned by her mother he assaulted her and criminally intimidated them as a result of which the victim girl had preferred the complaint. It is pertinent to note that the petitioner/accused apart from committing sexual assault on the victim girl had assaulted her mother and had criminally intimidated them. Further it is seen that the Investigation is in initial stage and the 164 Cr.P.C. statement of the victim girl is yet to be recorded. Hence considering the facts and circumstances of the case, stage of the investigation, seriousness and gravity of the offence, this court is not inclined to grant bail to the petitioner/accused and therefore 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.



