

In the Court of Sessions Judge, Special Court for Exclusive Trial of Cases  
under POCSO Act, Madurai.

Present: Tmt. J. Flora, M.L.,  
Sessions Judge, Special Court for Exclusive Trial of Cases  
under POCSO Act, Madurai.

Dated this the 21st day of May 2020.

E- [Cr.M.P.No.](#) 25/2020

Nithiyanandham (39/2020)  
S/o. Ramamoorthy,  
Oorkavalan Kovil Street,  
Melur Taluk,  
Madurai District.

.. Petitioner / Accused

-Vs-

State Through the  
Inspector of Police,  
Melur Police Station,  
Madurai District  
in Crime No.136/2020

.. Respondent/ Complainant

### Order

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 13/3/2020 for alleged offences punishable u/s 5(1), 6 of POCSO Act and 67 of IT Act.

Heard both sides through Audio Conference call.

The case of the prosecution is that the petitioner /accused who was employed as cashier in Master Bakery developed acquaintance with the defacto complainant being victim boy aged 16 years gave him liquor took him to a secluded place asked him to press his penis and suck the same showed him the photo in the cellphone where Rahul S/o. Harinandhan Tagore was sucking the penis of the petitioner/accused and told him to do the same and on 13.03.2020 at 8.00am the petitioner/accused had called the defacto complainant/victim over cellphone and told him that Balamurugan s/o. Selvam is coming and that all the three of them could be happy and took the victim to the secluded place and asked him to suck his penis and as the defacto

complainant/victim had vomiting sensation the victim escaped from there and preferred complaint and thus the case was registered.

The learned counsel for the petitioner /accused contended that it is alleged by the prosecution that the petitioner/accused has misbehaved with the defacto complainant/victim and that is false. It is further contended that the petitioner/accused is a family man having two children, he is employed as manager in "Master Bakery" and that he is in judicial custody for the past 67 days. Whereas the learned Special Public Prosecutor contended that the petitioner/accused had committed sexual assault on the victim boy aged 16 years repeatedly and that he is involved in committing sexual assault with other minor children, that the 164 Cr.P.C. statement of the victim boy is not yet recorded, that the medical examination of the victim boy is not over and there are no change in the circumstances of the second bail application and strongly objected to release the accused on the bail.

Perused the case records. The petitioner/ accused has been remanded to judicial custody on 13/3/2020 for committing sexual assault to the victim boy aged 16 years repeatedly. It is alleged that the petitioner/accused being a family man and employed as cashier in Master Bakery, Madurai had taken the defacto complainant/victim boy aged 16 years to a secluded place, had shown his penis and asked him to suck the same. Further the petitioner/accused had shown the mobilephone which contained the photo of Rahul, s/o. Harinandhan Tagore sucking his penis and asked him to do the same and on 13.03.2020 the petitioner/accused had told the victim boy that he could bring Balamurugan s/o. Selvam another victim so that all the three could have a jolly time. Hence it is clear that apart from the victim boy, other victim boys such as Rahul, so/o. Harinandhan Tagore and Balamurugan s/o. Selvam had been subjected to sexual assault by the petitioner/accused. It is pertinent to note that the 164 Cr.P.C statement of the defacto complainant/victim other minor boys such as Rahul, s/o. Harinandhan Tagore, Balamurugan s/o. Selvam has not been recorded. Further the medical examination of the petitioner/accused has not been conducted. Hence as the Investigation is still pending and as there are no change in the circumstances in the

second bail application, considering the gravity, seriousness and magnitude of the crime, this petition cannot be entertained and is therefore liable to be dismissed.

In the result the petition is dismissed.

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



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

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

Dated this the 04<sup>rd</sup> day of May 2020.

E- [Cr.M.P.No.](#) 14/2020

Nithiyandham (39/2020)

S/o. Ramamoorthy,

Oorkavalan Kovil Street,

Melur Taluk,

Madurai District.

.. Petitioner / Accused

-Vs-

State Through the

Inspector of Police,

Melur Police Station,

Madurai District

in Crime No.136/2020 .. Respondent/ Complainant

### Order

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on  
13/3/2020 for alleged offences punishable u/s 5(1), 6 of POCSO Act, 67 of IT Act.

Heard both sides through Conference call.

The case of the prosecution is that the petitioner /accused had caused sexual torture to the  
victim boy aged about 16 years repeatedly and thus the case was registered.

The learned counsel for the petitioner /accused stated that the petitioner has been falsely implicated in this case and that he is in judicial custody for the past 51 days, and he has not committed any offence, whereas the learned public prosecutor stated that the petitioner accused had sexually tortured the victim boy repeatedly and that the medical examination of the petitioner/accused is not yet over and during the investigation it has to be seen as to whether any other victim has been sexually tortured by the petitioner/accused and strongly objected to release the accused on bail.

Perused the case records. The petitioner/ accused has been remanded to judicial custody on 13/3/2020 for causing sexual torture to the victim boy aged about 16 year and the medical examination of the petitioner/accused is not yet over and investigation is still pending . Hence considering the gravity, seriousness and magnitude of the crime, this petition cannot be entertained and is therefore liable to be dismissed.

In the result this petition is dismissed.

J.Flora,  
Sessions Judge,  
Special Court for exclusive trial of cases  
Under POCSO Act,  
Madurai.