



Crl.O.P.No.17093 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 03.04.2022 at the hands of the respondent police for the alleged offences punishable under Sections 5(1), 5(m), 5(n), 6, 17, 21(1), 21(2) of POCSO Act 2012 and u/s.75 of Juvenile Justice (Care and Protection) Act 2000 and u/s.506(2), 312 IPC, 1860 in Crime No.7 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner had committed sexual assault on the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not involve in the crime as alleged by the prosecution. The petitioner was arrested and remanded to judicial custody on 03.04.2022. Hence, he sought for bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally seven accused, in which, the petitioner is arrayed as A4.

The victim girl, a minor, after the demise of the father, was brought up by her uncle and aunt, who is his second wife. When she was aged about 7 or



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8 years, her uncle started sexually assaulting her and when she informed her aunt, she supported him by pouring chilli powder on her private parts. Therefore, she ran from their house and started staying in Government home. From there, her mother, by making false submissions, brought to their house and was again sent to her uncle's house, where they sexually tortured. The uncle of the victim also brought other friends including the petitioner and compelled her to have physical relationship with them. Thereafter, he had also taken nude photographs of the victim girl and tortured her. In fact, she also got pregnant and was admitted in the hospital and aborted the pregnancy. He would also submit there is no change of circumstances after the previous order was passed on merits. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the bad antecedents of the petitioner, this Court had dismissed the earlier petition filed by the petitioner and that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

22.07.2022



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