



CrI.O.P.No. 19547 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 26.06.2021 for the alleged offence under Sections 366, 343, 328, 354(B), 376(3) of I.P.C. and Section 5(j)(ii), 5(1), 5(n) r/w 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 in Crime No.2 of 2021 on the file of the respondent police, and the trial is pending in Spl.S.C.No.157 of 2021 on the file of Special Sessions Judge for Exclusive trial under POCSO Act, Chennai, seeks bail.

2. The case of the prosecution is that the defacto complainant sister's daughter, aged about 13 years was subjected to penetrative sexual assault by the petitioner, due to which, she became pregnant. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that this is the fifth petition praying for bail and the charge sheet has been filed. He would further submit that he is in jail for nearly one year four months and he is ready to abide any condition imposed by this Court. He would further submit that as his wife is going to undergo surgery, he has to



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mobilise funds and hence, he prayed that the petitioner may be granted interim bail for five days.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the victim girl is a minor aged about only 13 years and that the petitioner has sexually assaulted her, due to which, she became pregnant. He would also submit that the charge sheet has been filed, the trial court had commenced the trial and if he is released on bail, he will tamper the witnesses. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner, the case is ripe for trial, charge sheet was also filed and also considering the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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