



Crl.O.P.No.19748 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Section of Girl Missing altered into Sections 363, 366 of IPC, Sections 5(1), 6(1) of Protection of Children from Sexual Offence Act, 2012 in Crime No.64 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 16 years and she is studying 10th standard in Madhageri Government High School and the petitioner is working as a driver under one, Manikandan, who is cousin brother of the victim girl. On 30.05.2022, when the victim girl had gone to write 10th standard public exam, the petitioner has kidnapped the victim girl in a two wheeler to Krishnagiri and subsequently, went from there to Bangalore and stayed in a house of his relative and there, the petitioner had sexual intercourse forcibly with the victim girl. Initially, the victim's father had lodged a girl missing complaint and the same was registered by the respondent police in Crime No.64 of 2022 and subsequently altered. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love. Her parents forced her to marry some third person. Therefore, the victim girl planned to elope with the petitioner. The petitioner was arrested and remanded to judicial custody on 04.06.2022. Hence, he sought for bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner kidnapped the victim girl aged about 16 years and had penetrative sexual assault on her. He would further submit that this is the third bail petition. Earlier bail petitions filed by the petitioner in Crl.O.P.No.14811 of 2022 and Crl.O.P 17092 of 2022 were dismissed on 28.06.2022 and 22.07.2022 respectively. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner had penetrative sexual assault on the minor victim girl aged about 16 years. A perusal of the statement recorded under Section 164 of Cr.P.C., revealed that the victim girl was kidnapped by the petitioner and he had penetrative sexual assault on her.



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

7. Accordingly, this Criminal Original Petition is dismissed.

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