



Crl.OP.No.19926 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(l) and 6 of POCSO Act, 2012, in Crime No.147 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had committed penetrative sexual assault on the victim girl aged about 17 years, due to which, the victim girl got pregnant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there are totally 2 accused in which the petitioner is arrayed as A2. The petitioner's name is not found in the FIR and the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner could not have physical relationship with any women. Even after his marriage, there is no issues for the petitioner. He also produced medical records such as semen analysis and other reports. It revealed that he is suffering with severe oligo asthenoteratozoospermia. Hence, he prays to grant anticipatory bail to the petitioner.



CrI.OP.No.19926 of 2022

4. The learned Additional Public Prosecutor submits that the petitioner is arrayed as A2. The petitioner had committed sexual assault on the minor victim girl aged about 17 years, due to which, she got pregnant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement recorded under Section 164 of Cr.P.C revealed that the petitioner had committed penetrative sexual assault on the victim girl. In fact, one person threatened the victim girl, not to disclose the name of the petitioner herein while registering the FIR. Therefore, she revealed the same before the Court below while recording the statement under Section 164 of Cr.P.C. That apart, the medical records produced by the petitioner did not reveal that the petitioner is an impotent and he cannot have any physical relationship. It is also evident from the semen analysis report. Without having sexual intercourse the semen analysis cannot be done. May be he is suffering from severe oligo asthenoteratozoospermia and fertility chances are very less. Therefore, it does not mean that he is impotent and he cannot have any physical relationship.

6. Taking into consideration the facts and circumstances of the case, the petitioner had committed very serious and heinous offence as against the



Crl.OP.No.19926 of 2022

minor victim girl and the custodial interrogation of the petitioner is very much required in this case. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

24.08.2022

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Crl.OP.No.19926 of 2022

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Crl.O.P.No.19926 of 2022

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