



CrI.OP.No.20845 of 2022

CrI.O.P.No.20845 of 2022

WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 13.01.2022 for the offences punishable under Sections 323, 342, 376(2)(i), 376(D), 506(ii) of IPC and Sections 5(g) and 6, 17 of POCSO Act, 2012 and Sections 3(1)(r), 3(1)(s), 3(1)(w)(I), 3(2)(v) of SC/ST (POA) Amendment Act in crime No.20 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.12.2021 at about 5 p.m., when the *de-facto* complainant's daughter has gone out to attend her nature's call, A1 to A3 had abducted her and had committed penetrative sexual assault on the victim girl. After hearing the hue and cry of the victim girl, one Priya and the petitioner herein rescued her from the scene of occurrence and took her to their house. Later, the victim was admitted in the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that as per the First Information Report, the petitioner is not an accused.



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Even according to the victim girl's statement recorded under Section 161 of Cr.P.C. the petitioner and his sister only rescued her from the A1 to A3. The petitioner was arrested and remanded to judicial custody on 13.01.2022. Further, he is a married person and he gave birth to two children. Therefore, the petitioner has nothing to do with the crime as alleged by the victim girl. Hence, he prays for grant of bail to the petitioner.

4. Now, the charge sheet is laid and the same has been taken cognizance in the Spl.S.C.No.102 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Vellore. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that the victim girl is aged about 13 years. Utilizing her age and there is no other person to ask anything, the petitioner and the other accused persons have committed penetrative sexual assault on the victim girl aged about 13 years. When she was playing in the house of the petitioner, the petitioner had committed penetrative sexual assault on the victim girl. Like wise, other accused persons also committed penetrative sexual assault on the victim girl.

5. Therefore, the petitioner has committed very serious and



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heinous offence as against the minor victim girl aged about 13 years. This Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

02.09.2022

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