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Crl.O.P.No.23425 of 2022

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A.D.JAGADISH CHANDIRA, J.

This criminal original petition has been filed seeking to enlarge the petitioner on bail in respect of Crime No.1 of 2021 registered for the offence under Sections 341, 342, 506(ii), 177 IPC r/w Sections 5(l), 5(n), 5(j)(ii) & 6 of Protection of Children from Sexual Offences Act, 2012, on the file of the respondent Police.

2. The case of the prosecution is that the petitioner, who is the step-father of the minor victim girl, had committed penetrative sexual assault on the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the de-facto complainant is a widow and that she has got two children through her first marriage and later, she got married to the petitioner. He would further submit that there was a dispute between the



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de-facto complainant and the petitioner, due to which, a false complaint has been given against the petitioner, as if the petitioner had committed penetrative sexual assault on her step-daughter. He would also submit that the petitioner is in custody from 05.01.2021. The learned counsel would further submit that the petitioner is an innocent person and he is suffering from severe chest pain and one of his kidney was also affected, thereby, he has been admitted in the Government Hospital, Cuddalore. He would also submit that the petitioner is ready to comply with any stringent condition that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is the step-father of the minor victim girl, had committed penetrative sexual assault on her, due to which, she become pregnant and later, pregnancy of the victim has been aborted and the fetus has also been sent for DNA analysis and the DNA report is awaited. He would also submit that 164 statement has also been recorded from the victim girl, wherein she had stated that the



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petitioner had committed penetrative sexual assault on her. Therefore, he vehemently oppose to grant bail to the petitioner.

5. He would further submit that the petitioner has been arrested on 05.01.2021 and due to his illness, he has been admitted in the Government Hospital, Cuddalore. He would also submit that the investigation has been completed and the final report has also been filed before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram and the same was taken up on file in Spl.S.C.No.39 of 2021 and the respondent will be able to complete the trial at the earliest.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Government Advocate (Crl.Sie) and also taking note of the 164 statement recorded from the victim girl , this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Court is directed to complete the trial as expeditiously as possible, preferably within a period of five months from the date of receipt of a copy of this order.

27.09.2022

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