



Crl.OP.No.27064 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who was arrested and remanded to judicial custody on 16.09.2022 for the offences under Sections 6 r/w 5(1)(n), 12, 6r/w, 17, 21(1) POCSO Act 2012 in Crime No15 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner who is the father of the victim had committed penetrative sexual assault on his own daughter. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given by his daughter. He would further submit that the victim was having love affair with a boy against the wishes of the petitioner and she eloped from the house and the petitioner had reprimanded her, thereby, a false complaint has been given against the petitioner by the defacto complainant. Hence, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (CrI.Side) would submit that it is a case where the biological father had committed penetrative sexual assault on his very own daughter. He would submit that the victim was examined under Section 164 of Cr.P.C wherein she had given a detailed statement on how and what manner, the petitioner had committed the offence. He would further submit that if the bail is granted to the petitioner, there is every possibility of the petitioner to influence the victim girl and thereby he would oppose to grant bail to the petitioner.

5. By way of reply, the learned counsel for the petitioner would submit that it is a clear case of false implication and the only reason for giving a false complaint by the victim is that the petitioner was against her love affair with another person.

6. Heard the submissions made by both counsel and 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 submissions, this Court is of the opinion that it is a case not fit for granting bail.

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6. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner can raise all the grounds available to him as defence during the course of trial.

09.11.2022

Vv



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