



Crl.OP.No.27430 of 2022

Crl.O.P.No.27430 of 2022

**G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 20.03.2022 for the offences punishable under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act, in Crime No.10 of 2022, on the file of the respondent, police seeks bail.

2. The case of the prosecution is that the victim girl aged about 17 years lodged a complaint stating that earlier the victim girl was residing nearby to the petitioner's house and thereby, known to each other. Since the petitioner's wife died some years ago, the defacto complainant has shown some leniency to him. By taking advantage of the same, the petitioner committed penetrative sexual assault against her on many occasions forcefully. Thereby, she got pregnant and later the child in the womb was dissolved on its own. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that this is the second bail petition and the earlier bail was dismissed by this Court and the victim girl was also examined as PW1. Hence, he prays for grant of bail to the petitioner.



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4. It is seen that the petitioner is aged about 45 years and the victim girl is aged about 16 years. On perusal of statement recorded under Section 164 Cr.P.C., revealed that on showing the photo after morphing with the victim girl, he had committed penetrative sexual assault on the victim girl. Again, he also threatened and compelled the victim to have sexual intercourse on showing the photographs. Due to which, the victim sustained grievous injuries and there was heavy bleeding. Thereafter, she was admitted in the hospital.

5. Considering the gravity of offence committed by the petitioner and there is no change of circumstance, this Court is not inclined to grant bail to the petitioner and the criminal original petition is dismissed.

10.11.2022

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