



Crl.O.P.No.27826 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 24.05.2022 for the offences punishable under Sections 3(a) r/w Section 4 of POCSO Act 2012 in crime No.16 of 2021 on the file of the respondent police.

2. The case of the prosecution is that the *de-facto* complainant's second daughter aged about 17 years discontinued her studies and developed friendship with the petitioner, who is well acquainted with her family. He used to drop her in the textile shop where she was working. While being so, on 20.11.2021 at about 9.00 a.m., the victim girl called and asked the petitioner to drop her in the shop. On knowing the situation that the *de-facto* complainant and her husband were not in home, the petitioner had physically assaulted the victim, by which she sustained injuries on her private parts. Hence, the case.

3. The learned counsel for the petitioner would submit that this is the fourth bail petition filed before this Court and earlier bail petitions were dismissed by this Court. He would further submit that the petitioner is ready to abide by any condition imposed by this Court.



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4. The learned Additional Public Prosecutor would submit that the respondent police has completed the investigation and filed final report. He also produced the statement recorded under Section 164 of Cr.P.C. He would further submit that earlier, this Court had dismissed the bail petitions filed by the petitioner in CrI.O.P.No.15022 of 2022, CrI.O.P.No.19910 of 2022 on 29.06.2022 and 24.08.2022 respectively and CrI.O.P.No.23672 of 2022 on 29.09.2022. Hence, he vehemently opposed to grant of bail to the petitioner.

5. A perusal of the statement recorded under Section 164 of Cr.P.C. reveals that the petitioner is aged about 38 years and he is already married and have two children. While being so, the petitioner had committed penetrative sexual assault on the minor victim girl, aged about 16 years, that too while she was on periods. Therefore, the petitioner had committed very serious and heinous offence as against the minor victim girl.

6. Considering the nature of offence committed by the petitioner as against the minor victim girl and this Court had dismissed



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the earlier bail petitions filed by the petitioner and that there is no change of circumstances of this case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

15.11.2022

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