

Crl. O.P. No.28130 of 2022

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T.V.THAMILSELVI, J.

The petitioner/A3 who was arrested and remanded to judicial custody on 26.07.2020 for the alleged offence under Sections 363, 366, 366-A and 376(DA) of IPC and Section 5(g) r/w Section 6 of POCSO Act, 2012 in Crime No.3 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused induced the minor girl aged about 14 years to come out of her home, kidnapped her with an intention to have illicit intercourse with her, thereby the petitioner committed gang rape upon the victim girl by giving beer. Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged occurrence. In fact, the victim girl was in love affair with one Manoj, when the 1st accused warned the said girl, there was a quarrel between both the families. In the situation, the false complaint has been lodged based on the inducement of the family members of the said



girl. Since the petitioner is the close friend to the main accused, he has also been implicated falsely in this case and was arrested and has been in jail for more than 2 years.

4. It has been further submitted that the Trial of this case has been commenced and P.W.1 to 3 have been examined and Ex.P1 to Ex.P4 were marked in the aforesaid case. The victim girl being P.W.2 has categorically deposed that she had love affair with one Manoj and sexual relationship with him. In view of the commencement of Trial coupled with fact that the P.W.1 to P.W.3 were examined and cross examined, the question of tempering with the witnesses will not arise if the petitioner is released on bail that apart the petitioner is languishing in jail since 26.07.2020 for two years. Further, the petitioner is a law abiding citizen and undertakes to abide any condition that may be imposed by this Court and will furnish solvent sureties of his release on bail. Earlier three bail applications in CrI. O.P. Nos.25578 of 2021 and 1929 & 13724 of 2022 were dismissed by this Court by order dated 03.01.2022, 01.02.2022 and 15.06.2022 respectively and hence, this is the fourth bail application before this Court seeking for bail to the petitioner herein.



5. The learned Government Advocate (Crl. Side) raised objection stating that the victim girl is a minor girl aged about 14 years and that the petitioner has sexually assaulted her. The case is under Trial and pending for disposal. Hence, he vehemently opposed to grant bail to the petitioner herein.

6. Taking into consideration of the grave nature of offence committed by the petitioner and the case is pending for disposal, this Court is not inclined to grant bail to the petitioner herein.

7. Accordingly, this Criminal Original Petition is dismissed.

30.11.2022

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