



Crl.OP.No.28129 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 26.07.2020 for the offences punishable under Sections 363, 366, 366-A and 376(DA) of IPC and Section 5(g) and 6 of the 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 24.07.2020, when the victim girl asked for Rs.3,000/- from the first accused to celebrate her friend's birthday, the first accused agreed to give the amount and took her to a lonely place. It is further alleged that on that place, the first accused, petitioner and another committed gang rape on the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that being friend of the main accused, the petitioner has been falsely implicated in this case. He further submitted that the petitioner was arrested and remanded to judicial custody on 26.07.2020 and incarcerated for the past more than two years. Therefore, he prays to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that this is the second bail petition filed by the petitioner and the earlier petition filed by the petitioner was dismissed by this Court on 14.06.2022. He further submitted that totally there are three accused persons in which the petitioner is arrayed as second accused. The petitioner along with other accused persons committed gang rape on the victim girl and the trial is going on. Now the case is posted for examination of the Investigation Officer. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner had committed very serious and heinous offence as against the victim girl. Further this Court already dismissed the earlier bail petition and there is no change in circumstances to consider the present bail petition. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

21.11.2022

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