



CRL.O.P.No.29719 of 2022

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WEB CO **T.V.THAMILSELVI,J.**

The petitioner who was arrested and remanded to judicial custody on 06.09.2022 for the offence punishable under Sections 450, 342, 506(i) of the Indian Penal Code, 1860 r/w Section 5(i), 5(j)(ii), 5(n) and Section 6 of POCSO Act in Cr.No.14 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner is a married man and during the absence of his wife, he called the defacto complainant who is a minor victim girl aged 17 years and had penetrative sexual assault on her and threatened her not to disclose the same to her parents. Due to which, the victim/defacto complainant got pregnant and thereafter, her pregnancy was aborted. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He submit that the petitioner is in custody for 91 days from 06.09.2022. Hence prays for grant of bail.



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4.The learned Government Advocate (Crl.Side) would submit that this is the second bail petition and the earlier petition has been withdrawn by the petitioner in Crl.O.P.No.27955 of 2022. He would submit that being a married man, the petitioner had penetrative sexual assault on the victim girl, due to which the victim became pregnant and her pregnancy was aborted. He would further submit that a statement under Section 164(5) Cr.P.C., has also been recorded from the victim girl. Hence, he vehemently opposed for grant of bail.

5. On a perusal of the statement under Section 164(5) Cr.P.C., it is revealed that the accused forcibly taken the victim to his room and committed penetrative sexual assault on the victim aged 17 years. Thereby, considering gravity of offence committed by the petitioner, this court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

06.12.2022

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