



CrI.O.P.No. 30747 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 09.11.2022 for the alleged offence under Sections 5(1), 5(m), 5(j)(ii) r/w 6 of POCSO Act, 2012 and Sec.9 of Prohibition of Child Marriage Act, in Crime No.435 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl who is aged about 16 years and she is studying 10th Std. The petitioner was residing in the same area, where she is residing and hence, he was well acquainted with her. Four years prior to the complaint, he proposed his love to her and due to his compulsion, she also fell in love. On coming to know about the same, parents of both family advised them and restrained them. However, on 07.11.2022, when she went to her job working in a beauty parlour, she was not returned and when she enquired with owner of beauty parlour informed that she has not come to work. Hence, mother of victim girl gave the complaint.



Crl.O.P.No. 30747 of 2022

WEB COPY

3. The learned counsel appearing for petitioner would submit that in fact, victim girl and the petitioner both fall in love with each other, due to which, she eloped with him and started her life with him independently without the knowledge of parents of both family. He would submit that due to consensual sexual relationship, she got pregnant and hence, she insisted him to step out from the house and start their own life, but the victim's mother not happy with her decision, she lodged the present false complaint. He would submit that investigation is almost completed and he is ready to comply with the condition imposed by this court. He would also submit that the petitioner has been suffering incarceration from 09.11.2022. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the sole accused and due to love affair, he had sexual intercourse and she became pregnant. He would submit that 164 statement was also recorded, charge sheet is ready, in which two more persons were included as A2 and A3 and hence, a detailed



CrI.O.P.No. 30747 of 2022

WEB COPY

investigation is required. He would submit that if he is released on bail, he would hamper investigation and tamper the witnesses. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the fact that now charge sheet is ready, in which two more accused were included, thereby a detailed investigation is required in this case and also considering the gravity of offence committed by the petitioner and also considering the fact that there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

22.12.2022

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Crl.O.P.No. 30747 of 2022

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rpp

Crl.O.P.No. 30747 of 2022

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