

Crl. O.P.No.1251 of 2023

WEB COPY **A.A. NAKKIRAN, J.**

The petitioner herein who has been arrested by the respondent police for the alleged offence under Section 498(A) of IPC and 9(m), 9(n), 10 of POCSO Act in Crime No.324 of 2022 seeks bail.

2. The case of the prosecution is that the petitioner being the husband of the defacto complainant sexually harassed his wife and his daughter and on the ill advise of his father, brother and sisters, the petitioner's wife was harassed by the petitioner herein. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner never ever involved in any of the act as alleged in the complaint and FIR, which is purely a put up case foisted for the purpose of property gain by the defacto complainant. Further, as there is no any clear picture in the FIR regarding the alleged incident of sexual harassment, it shows that the alleged incident was not at all happened and it is only imaginary cooked



up story of the defacto complainant for the purpose of property gain. Based on the complaint, the respondent police arrested and detained the petitioner herein on 10.11.2022 and the petitioner is in prison for the past 75 days.

4. It has been further submitted that the petitioner has filed the present bail petition for the second time and further, the previous bail petition filed before this Court in Crl. O.P. No.32424 of 2022 has been dismissed by order dated 28.12.2022. The petitioner will not tamper any evidence or dissuade witnesses and he will abide by any condition imposed by this Hon'ble Court. hence, he seeks bail for the petitioner herein.

5. Per contra, the learned Additional Public Prosecutor (Crl.Side) would submit that the daughter of the petitioner has deposed against the petitioner/accused with regard to his sexual harassment on her and her mother. Further, totally 11 witnesses have been examined in this regard and charge sheet has been prepared against the petitioner and it is yet to be filed before the Magistrate. Hence, he seriously raised objection for granting bail to the petitioner herein.



6. Considering the facts and circumstance of the case and also considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

25.01.2023

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To

Internet : Yes

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