



CrI.OP.No.1629 of 2023

CrI.O.P.No.1629 of 2023

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 20.03.2022 for the offences punishable under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act, in Crime No.10 of 2022, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the victim girl aged about 17 years lodged a complaint stating that earlier the victim girl was residing nearby to the petitioner's house and thereby, known to each other. Since the petitioner's wife died some years ago, the defacto complainant has shown some leniency to him. By taking advantage of the same, the petitioner had committed penetrative sexual assault against her on many occasions forcefully. Thereby, she got pregnant and later the child in the womb was dissolved on its own. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the Trial has been commenced and the prosecution so



Crl.OP.No.1629 of 2023

far had examined P.Ws.1 to 3. He would further submit that the petitioner was arrested and remanded to judicial custody, on 20.03.2022. Hence, he sought for bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had committed penetrative sexual assault on the minor victim girl aged about 17 years. He would further submit that this is the third bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. He had produced the evidence of P.W.1 and it revealed that the petitioner so far did not cross examine the victim. Therefore, if the petitioner is released on bail, he would threaten the victim and tamper the witnesses. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the above facts and circumstances of the case, since the petitioner had committed very serious and heinous offence as against the minor victim girl and that there is no change of circumstances after the previous dismissal orders passed by this Court, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

30.01.2023

mn



WEB COPY



Crl.OP.No.1629 of 2023

G.K.ILANTHIRAIYAN, J.

mn

Crl.O.P.No.1629 of 2023

30.01.2023