



CrI.O.P.No. 4181 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 10.01.2023 for the alleged offence under Sections 376(2)(i), 376(2)(j), 450 and 506(i) of I.P.C. in Crime No.15 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant has lost her parents during her childhood and she was not married. She is living under the custody of her grand parents and now they are also passed away. While so, the petitioner, being relative of her, who is aged about 61 years and a married man, he often visited the place of her residence and on giving false promise, this petitioner had sexual intercourse with her, resulting in which, she became pregnant and on 10.01.2023 a female child was born to her. Accordingly, when she was admitted in the hospital, the present complaint was registered against the petitioner.



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3. The learned counsel for the petitioner submitted that the petitioner is only relative of defacto complainant and he is no way connected with the pregnancy and birth of a child. He would submit that he is an aged person and he has not at all committed any offence as alleged by the respondent police. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 10.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that he is sole accused and he is an aged person and also a married man. He would submit that 164 statement was recorded from the defacto complainant and D.N.A. Test was taken and the report is awaiting. He would also submit that if he is released on bail, he may abscond and he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner and also the fact that now the victim girl gave a birth to a child and a D.N.A. report is still awaiting and the investigation is still pending and if he is released on bail, he may abscond and 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.

27.02.2023

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