



Crl.O.P.No.5884 of 2023

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**T.V.THAMILSELVI, J.**

The petitioner, who was arrested and remanded to judicial custody on 15.12.2022 for the alleged offence under Sections 354(B), 506(i) of I.P.C. r/w 5(1), 5(j)(ii), 6 of POCSO Act, in Crime No.36 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that victim girl is aged about 14 years and the petitioner is aged about 28 years. The petitioner said to have committed the offence of sexual penetration by force against the willingness of the victim by threatening her, knowing the fact that she is a minor, thereby she became pregnant and subsequently it was aborted. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the victim girl was never forced by him as she alleged in the complaint. So, the allegations made against the petitioner is baseless and fabricated and he is



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no way connected with the offence and he has not at all committed any offence as alleged by the respondent police. He would submit that the 164 statement was recorded and the victim and the petitioner was also sent for medical examination. He would further submit that the investigation is almost completed and this is the second bail petition, earlier petition has been dismissed before this Court on 20.02.2023 in Cri.O.P.No.3772 of 2023 and the petitioner has been suffering incarceration from 15.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that victim is aged about 14 years and the petitioner is aged about 28 years. He would submit that the petitioner is already married man and he has committed penetrative sexual assault on the victim girl, thereby she became pregnant and subsequently, it was aborted. He would submit that 164 statement was recorded, in which she had stated about the facts and awaiting for DNA test report. He would submit that now the girl is also secured and she is in custody of her mother. He would submit that the investigation is almost completed and if he is released on



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bail, he would hamper the investigation and tamper the witnesses. Hence, he strongly opposed to grant bail to the petitioner.

5. On seeing the facts, it reveals that as the petitioner, who is a married man, used to give dairy milk chocolates and after eating the same, victim girl would become unconscious, who is aged about 14 years and due to the instigation of sexual assault, she became pregnant and now it is aborted. Considering the above facts and circumstances and also the fact that the investigation is almost completed, 164 statement was recorded, and DNA test report is pending, and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

**21.03.2023**

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