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Crl.O.P.No.5874 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 20.01.2023, for the offences punishable under Sections 5(l), 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.5 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is a minor victim girl, aged about 16 years, is that the accused, who is the neighbour of the victim girl, had repeatedly committed aggravated penetrative sexual assault on her, due to which, she became pregnant. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case, due to the previous enmity. He further submitted that the petitioner is no way connected with the alleged offence and he is not responsible for the victim girl's pregnancy. He also stated that the petitioner is in custody from 20.01.2023



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and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that it is the case, where, the petitioner, aged about 47 years, who is the relative of the victim girl, had committed repetitive penetrative sexual assault on the victim girl, due to which, she became pregnant. He further submitted that later, pregnancy of the victim girl has been aborted and the fetus has also been sent for DNA analysis. He further submitted that the statement under Section 164 Cr.P.C., has also been recorded from the minor victim girl, wherein, she has categorically stated the manner in which she was exploited by the accused. He also submitted that the DNA report is not yet received, whereas, apart from that, there is ample evidence to show that the petitioner is the person who had committed penetrative sexual assault on the victim girl. Therefore, he vehemently oppose for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record including the statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Additional Public Prosecutor and also taking note of the statement recorded from the victim girl under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

14.03.2023

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