



Crl.O.P.No.5969 of 2023

Crl.O.P.No.5969 of 2023

A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 29.01.2023, for the offences punishable under Sections 5(l), 5(n) r/w 6 and 9(l), 9(n) r/w 10 of Protection of Children from Sexual Offences Act, 2012, and 506(i) of IPC in Crime No.1 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 15 years, is that the accused, who is her own father, had misbehaved with her and also committed aggravated penetrative sexual assault on her. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner, who is none other than the father of the victim girl, is an innocent person and he has been falsely roped in this case. He further submitted that daughter of



Crl.O.P.No.5969 of 2023

the petitioner/victim, was having a love affair with one Arjunan and the petitioner's wife also supported her and when it was questioned by the petitioner, a false complaint has been lodged against him. He further submitted that the petitioner has not misbehaved with her daughter. He also submitted that the petitioner is in custody from 29.01.2023 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 father has misbehaved with her own daughter and has also committed aggravated penetrative sexual assault on her. 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 spoken about the manner in which the assault has been committed on her. He also submitted that the allegation as stated by the petitioner against the victim girl that she was having an affair with one Arjunan, is absolutely false and there is no material to that effect. He further submitted that final report was filed and the case was also taken up in



Crl.O.P.No.5969 of 2023

Spl.S.C.No.31 of 2023 on the file of the Fast Track Mahila Court, Tiruppur and the case now stands posted today, for examination of victim and there are 14 witnesses in this case. However, he vehemently opposed for grant of bail to the petitioner.

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 either side of the parties and also taking note of the statement recorded from the victim girl under Section 164 Cr.P.C. and also considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as



Crl.O.P.No.5969 of 2023

expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

15.03.2023

ham



WEB COPY



Crl.O.P.No.5969 of 2023

A.D.JAGADISH CHANDIRA,J.

ham

Crl.O.P.No.5969 of 2023

15.03.2023