



Crl.O.P.No.6946 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 26.04.2022 for the offences punishable under Sections 363, 366 of IPC Section 5(1) r/w 6(1) of POCSO Act and Section 9 of Child Marriage Act. 2006 in Crime No.93 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter studying in 8th std at Sri Ram Matric Higher Secondary School and the petitioner was working as English Teacher in the same school. Further it is alleged that from 21.04.2022 to 23.04.2022, the petitioner took the victim girl in his motor bike to Yercaud and conducted marriage with the defacto complainant's daughter in front of a closed temple and thereafter the accused had forcible sexual intercourse with the victim girl for more than one occasion. Subsequently, the petitioner had already got married with another woman and he is having two children. Hence the complaint.



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3. Learned counsel for the petitioner submitted that the petitioner detained as 'Sexual offender', by the detention order dated 18.05.2022 in SC.No.12 of 2022 and he further submits that the petitioner's father filed Habeas Corpus Petition in HCP.No.1157 of 2022 before this Court and the same was allowed on 07.02.2023 and hence he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner was working as a English Teacher in Sri Ram Matric Higher Secondary School and the victim was studying in 8th standard in the same school. He further submitted that the petitioner used to send messages to the victim girl and also threatened the victim girl to love him and he takes the victim girl to yercaud and had forcibly sexual intercourse with her for more than one occasion. He also submitted that the statement of Section 164 Cr.P.C. has been recorded, investigation is also completed and PW1 to PW6 were also examined. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Consideration the facts and circumstances of the case and also taking note of the fact that the petitioner being a school teacher has committed penetrative sexual assault upon a student, who is studying 8th standard in the said school, and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferable within a period of three months from the date of receipt of a copy of this order.

28.03.2023

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To

1. The Fast Track Mahila Court, Dharmapuri.



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