



Crl.O.P.No.7347 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 19.02.2023, for the offences punishable under Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012, Section 323 of IPC r/w 34 of IPC in Crime No.30 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/minor victim girl, aged about 17 years is that she was having love affair with one Thiagarajan for the past four years and said Thiagarajan had promised the victim girl that he will marry her and on believing the same, they both have had a consensual physical relationship. While so, on 10.02.2023, when the victim girl was alone at her home, the accused, who is the paternal uncle of the victim and a married man having two children, had committed penetrative sexual assault on her against her will and also threatened her with dire consequences. However, the victim had informed the same to her boy



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friend Thiagarajan and thereafter, she had lodged a complaint. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that since the relationship between the victim girl and the said Thiagarajan was objected to by the petitioner, the victim girl has lodged a false complaint as against the petitioner, as if he had committed penetrative sexual assault on her. He also submitted that the petitioner was arrested on 19.02.2023 and he is in custody for more than 50 days and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor (Puducherry) appearing for the respondent police submitted that the petitioner, who is a married man having two children, is the close relative of the minor victim girl, aged about 17 years, who was in relationship with one



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Thiyagarajan. He further submitted that on 10.02.2023, when the victim was alone at her home, the petitioner had committed penetrative sexual assault on her, against her will and also threatened the victim not to disclose the same to others. He further submitted that statement under Section 164 Cr.P.C., has also been recorded from the minor victim girl, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Puducherry) for the respondent and perused the 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 and the submissions made by the learned counsel on both sides and and also considering the statement recorded from the victim girl under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition stands dismissed.

12.04.2023

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