



Crl.O.P.No.7544 of 2023

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A.D.JAGADISH CHANDIRA.,J.

(This case has been heard through Video Conferencing)

The petitioners, who were arrested and remanded to judicial custody on 13.01.2023 for the offences punishable under Sections 417, 506(i) of IPC r/w Sections 5(1), 5(g), 6 of POCSO Act in Crime No.3 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant/victim, minor XXXX, aged about 17 years, is that she was in love with one Simbu/A1 and on compulsion, A1 had committed penetrative sexual assault on her. On 12.01.23, A1 had taken her to a secluded place and once again committed penetrative sexual assault on her against her wish. At that time, two of his friends viz., A2 and A3, who were hiding in a bush, had come there and committed gang rape on her. Thereafter, A2 and A3 have threatened her by stating that they would expose the same to the villagers and thereafter, A1 had dropped her back in the village. Immediately, she informed to her sister, based on which, the case came to be registered.



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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have falsely implicated in this case. He further submitted that they are youngsters and they are in judicial custody from 13.01.2023. Hence, he prayed for grant of bail to the petitioners.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a case where A1, in the guise of loving the victim girl, had committed penetrative sexual assault on her. Later, he had informed about the same to the petitioners, who are the friends of A1 and they have preplanned and taken the victim to a secluded place and earlier, A1 has committed penetrative sexual assault on her and later, the petitioners, by threatening the victim, had committed gang rape on her. He further submitted that it is a case of heinous nature where A1, in the guise of romance, has taken the innocent young girl to a secluded place, where he had committed penetrative sexual assault on her and thereafter, he had also allowed his friends to commit gang rape on her. He further submitted that the accused have operated under preplanned manner and if the bail is granted to the petitioners at this stage, there is every possibility of them to interfering with the investigation and threatening the witnesses. He also submitted that the



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victim has also categorically spoken about the acts committed by the accused in the statement under Section 164 Cr.P.C., recorded from the victim girl. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record including the statement recorded under Section 164 Cr.P.C from the victim girl.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also the nature of offence committed by the petitioners, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

06.04.2023

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