



Crl.O.P.No.8493 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023, for the offence punishable under Sections 376 r/w Section 511 of IPC @ 376(2)(I) of IPC, in Crime No.37 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Chitra is that on 07.09.2022, the accused had attempted to commit rape of her mentally retarded daughter. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 35 years and a false case has been foisted against him. He further submitted that even as per the complaint, the de-facto complainant has only stated that the petitioner had attempted to commit rape on her daughter and the petitioner has not committed any offence as stated by the de-facto complainant. He also submitted that the petitioner was arrested on 16.02.2023 and he is in



Crl.O.P.No.8493 of 2023

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custody for more than 60 days. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this court. Therefore, he prayed for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that though, initially, the complaint was given by the de-facto complainant that the petitioner had attempted to commit rape on her daughter, who is a mentally retarded girl, later, during the course of investigation, it came to light that the petitioner had committed repetitive sexual assault on the victim girl. He also submitted that investigation in this case is still pending and the statement of the victim has to be recorded with the aid of the special instructor. Hence, he vehemently opposed grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the



Crl.O.P.No.8493 of 2023

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materials available on record including the counter filed by the respondent.

7. It is the case, where, it was originally stated that the petitioner/accused had attempted to commit rape on the victim girl and later, during the course of investigation, it came to light that the petitioner, taking advantage of the mental retardation of the victim girl, had committed repetitive sexual assault on her. Further, investigation in this case is still pending and the statement of the victim is yet to be recorded with the aid of the special instructor

8. Taking into consideration the above facts and circumstances of the case and taking note of the fact that the statement under Section 164 Cr.P.C. is yet to be recorded from the victim girl and also considering the gravity and nature of the offence committed by the petitioner and also finding that the allegations are very serious in nature, this Court is not inclined to grant bail to the petitioner.



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Crl.O.P.No.8493 of 2023

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9. Accordingly, this Criminal Original Petition stands dismissed.

25.04.2023

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Crl.O.P.No.8493 of 2023