



Crl.O.P.No. 9356 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023 for the alleged offence under Section 366, 450 of I.P.C. r/w Sec. 3(a), 4, 5(n) of Protection of Child from Sexual Offences Act, 2012 in Crime No.03 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that victim girl is aged about 16 years and the petitioner is aged about 23 years. On 22.01.2023, when the defacto complainant's wife along with her relatives gone to attend a marriage at Chennai, the defacto complainant went to his home town A.Sathanoor and stayed there at night after finishing his work. At that juncture, the defacto complainant's daughter and his in-laws were sleeping in their house without locking the door, the petitioner entered into the house and forcibly kidnapped his daughter by closing her mouth using cloth and took her to his house, thereby he has committed the offence of sexual penetration by force. Hence, the father of victim girl lodged the

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present complaint against the petitioner.

3. The learned counsel for the petitioner submitted that he is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that there was a love affair between the petitioner and defacto complainant's daughter and victim girl voluntarily left from her home and joined with the petitioner on that day. He would submit his is none other than close relative of defacto complainant and the investigation is also completed. He would submit that now the Special Court for Exclusive Trial of POCSO Act Cases, Villupuram has taken the case on file in Spl.S.C.No.40 of 2023 and he has been suffering incarceration for more than 81 days from 30.03.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for respondent would submit that on the date of occurrence, the petitioner has entered into the house of defacto complainant and kidnapped his daughter by closing her mouth using cloth and took her to his house and he has



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WEB COPY committed a penetrative sexual assault on her. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the statement recorded under Sec.164 of Cr.P.C., it reveals that victim girl is aged about only 16 years and she was kidnapped by the petitioner by putting cloths in her mouth and committed a rape, thereby he has committed penetrative sexual assault on her. Hence, he has committed a serious offence. Considering the facts and circumstances of the case and the submissions made by both counsel and on considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

04.05.2023

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