



Crl.O.P.No.9661 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 27.03.2022, for the offences punishable under Sections 363, 366, 376, (2)(n) of IPC and 5(1), 6 of POCSO Act 2012 and 9 of Prohibition of Child Marriage Act, in Crime No.84 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner who is a married man aged about 29 years, committed penetrative sexual assault on the daughter of the defacto complainant who is aged about 13 years. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case on account of previous enmity between the family of the petitioner and the family of the defacto complainant. He submitted that the petitioner is in judicial custody from 27.03.2022. He further submitted that the petitioner



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had filed a bail petition before the learned Principal Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore in Crl.M.P.No.203 of 2023 and the same was dismissed on 20.03.2023. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner aged about 29 years, a married person, enticed the rustic victim girl aged 13 years, forcibly kidnapped and married her, in furtherance, he committed aggravated penetrative sexual assault on her. He further submitted that the investigation completed, charge sheet has been filed and the case has also been taken on file in Spl.S.C.No.124 of 2022 and the same is posted for examination of L.W.1 to L.W.3. He further submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim and she made serious allegations of kidnap, child marriage and aggravated penetrative assault committed by the petitioner. In her above statement, she further stated that the petitioner committed torture by setting fire on her left elbow and coerced her for sexual intercourse. He further submitted that if the accused is released on bail at this stage, he may tamper the witnesses and it will cause delay in



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trial proceedings. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record including the statement of 164 Cr.P.C.

6. Considering the above circumstances and taking note of the fact that the petitioner had committed a very serious and heinous offence as against the minor victim girl, this Court is not inclined to grant bail to the petitioner. However, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition for bail is dismissed.

05.05.2023

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