

Crl.O.P.No.10868 of 2023

WEB COPY **A.A. NAKKIRAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 03.05.2022, in connection with Crime No.6 of 2022 registered for the offence punishable under Sections 366 of IPC and Sections 5(l), 5(j)(ii) read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have kidnapped the victim girl, who was 17 years at the time of occurrence and had sexual intercourse with her on 29.11.2021 and 17.12.2021, due to which, the victim girl became pregnant and subsequently she aborted the foetus. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the victim girl was in love and with the consent of the victim girl, he had sexual intercourse with the victim girl. He further submitted that the petitioner never ever involved in any of the act as alleged in the complaint and FIR, which is purely a put up case foisted by



the de-facto complainant/victim girl. Based on the complaint, the respondent police arrested and detained the petitioner herein on 03.05.2022 and the petitioner is in prison for the past one year.

4. It has been submitted that the petitioner has filed the present bail petition for the second time before this Court and further, the previous bail petition filed before this Court in Crl.O.P.No.8761 of 2023 was dismissed by order dated 21.04.2023. It has been further submitted that the petitioner has no previous case against him, the petitioner will not tamper any evidence or dissuade witnesses and he is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

5. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent submitted that it is the offence serious and heinous in nature, where, the petitioner had kidnapped the victim girl and had sexual intercourse with her, who was aged about 17 years at the time of occurrence. He further submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim girl, wherein serious and heinous allegations have been made against the petitioner. He further submitted that this Court dismissed the petitioner's earlier bail petition in Crl.O.P.No.8761



of 2023 dated 21.04.2023. Hence, he seriously raised objection for granting bail to the petitioner.

6. Considering the facts and circumstance of the case, the submissions made by learned counsel on either side and also considering the gravity of the offence, which is serious and heinous in nature and also taking note of the 164 Statement recorded from the victim girl, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed with a direction to the learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur, to complete the Trial in SPL.S.C.No.119 of 2022 and dispose the same as expeditiously as possible, within a period of one month from the date of receipt of a copy of this order.

**17.05.2023**

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