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Crl.O.P.No.10442 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 03.03.2023, for the offences punishable under Sections 363, 366 of IPC and Section 5(l), 5(j)(ii), 5(n) of POCSO Act 2012 @ under Section 363, 366 of IPC and Section 5(l), 5(j)(ii), 5(n) and 6 of POCSO Act, in Crime No.65 of 2023 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 40 years had repetitively committed penetrative sexual assault on the daughter of the defacto complainant who is aged about 13 years and she became pregnant. 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. He submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He submitted that the petitioner is in judicial custody from 03.03.2023. He further submitted that



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the petitioner had filed a bail petition before the learned Court of Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore District in Crl.M.P.No.367 of 2023 and the same was dismissed on 11.04.2023. Hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner aged about 40 years, a married person having two children kidnapped the victim girl who is aged about 13 years and committed aggravated penetrative sexual assault due to which she became pregnant. 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 and aggravated penetrative assault committed by the petitioner. 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 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



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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.

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

05.05.2023

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