



CrI.O.P.No.12031 of 2023

CrI.O.P.No.12031 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 27.04.2023 for the offence punishable under Sections 363, 366, 506(ii) of IPC and Sections 5(1), 5(n) and 6 of POCSO Act r/w Section 9 of Child Marriage Restraint Act, in connection with Crime No.105 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a married man, had kidnapped the minor victim girl, aged about 16 years and committed repetitive penetrative sexual assault on her. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner and the victim girl are close relatives and there was a quarrel between the victim's parents and the victim had come along with the petitioner and other than that nothing had happened. He further submitted that the petitioner understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C,



CrI.O.P.No.12031 of 2023

wherein, she has not made any allegations as against the petitioner of having committed any penetrative sexual assault on her. He also submitted that the petitioner is in custody from 27.04.2023. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner, who is a married man having two children and also relative of the victim, had kidnapped the minor victim girl, aged 16 years and committed penetrative sexual assault on her. He further submitted that the statement recorded from the victim girl under Section 161 Cr.P.C, wherein, she has admitted that the petitioner had committed sexual assault on her and further, it is also corroborated by the medical evidence. He further submitted that subsequently, due to the intervention of the family members, she has not stated anything about the penetrative sexual assault in the statement recorded from her under Section 164 Cr.P.C, however, she has stated that the petitioner has kidnapped her. He also submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.



Crl.O.P.No.12031 of 2023

WEB COPY

5.Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record including the statement recorded from the victim girl under Sections 161 and 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) and also considering the nature of the offence committed by the accused, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

01.06.2023

vkx



WEB COPY



Crl.O.P.No.12031 of 2023

A.D.JAGADISH CHANDIRA, J.

vkrr

Crl.O.P.No.12031 of 2023

01.06.2023