



CrI.O.P.No.13520 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(I), 5(n), 5(m) r/w Section 6 of the POCSO Act and Section 506(i) of IPC in Crime No.17 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the minor victim girl xxxx is aged about 12 years and that she was living with her grandmother. The victim girl used to visit her aunt's house who was living with her second husband namely Manikandan. The further case of the prosecution is that on 10.02.2022 and on 15.11.2022, the said Manikandan, had penetrative sexual assault with the victim girl. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.



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He would further submit that a false complaint has been given by the defacto complainant on the instigation of her aunt Usha. He would further submit that there is a dispute between the aunt Usha and her second husband, and thereby, he would seek for bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case where the petitioner who was living with her aunt Usha of the victim girl had penetrative sexual assault on her. He would further submit that the statement has also been recorded from the victim girl under Section 164 Cr.P.C. Hence, he opposed for the grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and also perused the materials available on record.

6. Taking into consideration the facts and circumstances and also the submissions made by the learned counsel on either side and also taking note of



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the fact that it is a case where the petitioner had committed penetrative sexual assault on the minor victim girl aged 12 years, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

19.06.2023

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