



Crl.OP.No.16014 of 2023

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G.CHANDRASEKHARAN.J.,

The petitioner namely Sanjay, who was arrested and remanded to judicial custody on 17.04.2023 for the offences punishable under Sections 5(1), 6 of POCSO Act and Section 506(ii) of IPC in Crime No.88 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner and the victim girl were in love with each other and with the consent of the victim girl, petitioner had sexual intercourse with her. However, at the instance of the victim girl's mother, complaint was given before the respondent police, based on which FIR was registered in Crime No.88 of 2023 and petitioner was arrested on 17.04.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, there was a love affair between the petitioner aged about 22 years and the victim girl aged about 16 years. Petitioner had committed forcible sexual intercourse with the victim girl on various occasions under threat. Not only that, on 14.04.2023, at about



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12.00.a.m.,

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petitioner attempted to misbehave with the victim girl. On seeing that, victim girl's mother intervened. Then, petitioner made death threat by showing koduval. In support of his submission, he produced the statement of the victim girl recorded under Section 164 of Cr.P.C.

4. The reading of the statement of the victim girl under Section 164 of Cr.P.C., shows that, it is not as though victim girl willingly fell in love with the petitioner. It appears that, he had forced the victim girl to love him. It is also stated that, if the victim girl did not attend his phone call, the next day he would slap the victim girl. On 04.11.2022, petitioner had forcible sexual intercourse with the victim girl at knife point. And thereafter, on various occasions, he had for forcible sexual intercourse with the victim girl. On 14.04.2023 at about 12.00.a.m., he made death threat to the victim girl's mother by showing koduval.

5. Thus, it is clear from the statement of the victim girl under Section 164 of Cr.P.C., that it is not a case of willing love affair. It is seen that, petitioner had forced the victim girl to love him and had forcible



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intercourse with her. Investigation in this case is not completed. In the said circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed

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