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Crl.O.P.No.16662 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who was arrested and remanded to judicial custody on 21.05.2023 for the offences punishable under Sections 420, 270, 294(b), 323 of IPC @ 420, 270, 294(b), 323 of IPC read with 8 of POCSO Act 2012 in Crime No.289 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, he is falsely implicated in this case in Crime No.289 of 2023 for the offences under Sections 420, 270, 294(b), 323 of IPC @ 420, 270, 294(b), 323 of IPC read with 8 of POCSO Act 2012. Assuming that there was a illicit relationship with the *de-facto* complainant. That was only in the year 2015 and thereafter, there was no communication between the *de-facto* complainant and the petitioner. *De-facto* complainant using her daughter, gave this false complaint.

3. On the other hand, learned Additional Public Prosecutor submitted that petitioner had illicit relationship not only with the *de-*



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facto complainant, but he also tried to sexually assault the victim girl, who is the daughter of the *de-facto* complainant aged only 13 years. The 164 Cr.P.C. statement of the victim girl also revealed that *de-facto* complainant tried to show his private part and kissed on her cheek.

4. Considered the rival submissions and perused the records.

5. It is seen from the First Information Report that *de-facto* complainant, after death of her husband had physical relationship with the petitioner and lived as husband and wife for one year. Thereafter, petitioner refused to marry her alleging that *de-facto* complainant belongs to Adi-Dravidar Christian community. When she asked him to marry her, he not only refused to marry but also physically assaulted her. Petitioner's father had also told her that petitioner had relationship with several women. On 27.04.2023, petitioner tried to misbehave with her daughter. The 164 Cr.P.C. statement of the victim girl shows that the petitioner came and sat near her, opened his pant zip three times and then he kissed on her



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cheeks.

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5. Considering the nature of the allegations made against the petitioner and that investigation in this case is not completed, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

26.07.2023

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mpl

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26.07.2023