



CrI.OP.No.19411 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge bail to the petitioner in Crime No.5 of 2023 pending on the file of respondent Police for the offence under Sections 4, 9 (m) r/w 10 of Protection of Child from sexual offences Act, 2012.

2.It is the submission of learned counsel for the petitioner that petitioner and his wife had matrimonial discord. The defacto-complainant left the matrimonial home three months back and demanded divorce from the petitioner. When petitioner refused to give divorce, she gave this false complaint using her daughter. He also submitted that defacto-complainant has immoral relationship with one Mani. Petitioner is in judicial custody from 13.05.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that petitioner committed sexual assault against his own daughter who was only seven years old. Victim girl had also given Section 164 Cr.P.C. statement confirming the allegations made in the First Information Report.

4.Considered the rival submissions and perused the records.



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5.This is the second bail petition. As per the First Information Report allegations and Section 164 Cr.P.C. statement of victim girl, who is aged seven years and daughter of the petitioner, that petitioner had placed his mouth on the private part of the victim girl and then ejaculated semen on her private part.

6.It is the submission of learned counsel for petitioner that in the First Information Report, it is alleged that victim girl informed about this incident to her mother. In Section 164 Cr.P.C statement, it is stated that victim girl informed this incident to her grand mother. Therefore, it is doubtful as to whether the incident had happened as claimed in the complaint and in Section 164 Cr.P.C. statement.

7.This Court is of the view that the contradictions pointed out by the learned counsel for the petitioner cannot be gone into now. The allegation against the petitioner, who is the father of the victim girl, is very serious that he committed sexual assault against his own daughter who is seven years. It is reported that final report is filed and it is not taken on file. If the petitioner



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is released on bail, there is a possibility that he may threaten the witness and tamper the evidence and spoil the fair trial. In the said circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. If charge sheet is filed, the learned trial Judge is directed to take the case on file immediately and proceed with the trial of the case.

23.08.2023

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