



CrI.OP.No.19252 of 2023

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G.CHANDRASEKHARAN.J.,

The petitioner namely Suresh, who was arrested and remanded to judicial custody on 09.04.2023 for the offences punishable under Sections 5(1), 5(j)(ii), 6(1) of POCSO Act, 2012 in Crime No.04 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. Petitioner is in Judicial Custody from 09.04.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, petitioner is aged about 30 years and the victim girl is aged only 14 years. It is alleged that, petitioner had forcible sexual intercourse with the victim girl. Victim girl got pregnant. Investigation in this case is completed and final report is filed and the same is yet to be taken on file. He opposed this petition on the ground that, if petitioner is granted bail, there is a possibility that petitioner may threaten the witnesses and tamper the evidence.



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4. When this Court questioned whether DNA test of the fetus is conducted or not, learned Additional Public Prosecutor answered that, so far DNA test is not conducted.

5. The perusal of the statement of the victim girl under Section 164 of Cr.P.C., shows that, petitioner had lured her into his house and had forcible sexual relationship with her. Then, he threatened the victim girl that, if she inform this incident to anyone, he would kill her parents. Only later point of time, victim girl came to know that, petitioner was already married and has two children. Now, victim girl is pregnant. Victim girl's mother gave a complaint.

6. The allegations as against the petitioner is that, petitioner, who is a married man aged about 30 years committed penetrative sexual assault on the victim girl, who is aged about 14 years and made her pregnant. Though, investigation in this case is completed and final report is filed, considering the seriousness of the offence alleged to have been committed by the petitioner as against the school going girl, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.



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