



Crl.O.P.No.20125 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who was arrested and remanded to judicial custody on 04.03.2023 for the offences punishable under Section 366, 342 and 344 I.P.C r/w Section 5 (I), 5 (j) (ii), 6 of POCSO Act, Section 9 of Child Marriage Act, in Crime No.72 of 2023 on the file of the respondent, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.72 of 2023 for the offences under Sections 366, 342 and 344 I.P.C r/w Section 5 (I), 5 (j) (ii), 6 of POCSO Act, Section 9 of Child Marriage Act. Petitioner is in judicial custody from 04.03.2023. Thus, he prays for grant of bail.

3.In response, learned Additional Public Prosecutor submitted that petitioner is aged 22 years and the victim girl is aged 16 years. Petitioner has committed penetrative sexual assault against the victim girl. Section 164 Cr.P.C statement of victim girl was recorded and medical examination was over. Hence, he opposed this petition.



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4.Considered the rival submissions and perused the records.

5.The reading of Section 164 Cr.P.C statement of victim girl shows that she knows the petitioner from November 2022. When victim girl was waiting at the bus stop, petitioner offered her lift in his two-wheeler. When they reached Vadasemapalayam, he told her that he was going to marry her, therefore, he wanted to have sex with her and the victim girl refused. He took her to forest area and had forcible sexual intercourse with her. Even thereafter, on the promise of marriage, he had repeated sexual relationship with her in his house. As a result, she got conceived. He tied thaali in his house in front of picture of god. Later, it came to the notice of the victim girl that petitioner was already married and has a child.

6.It is seen from Section 164 Cr.P.C statement that petitioner had forcible sexual intercourse with victim girl and then on the promise of marriage, he tied thaali in front of picture of god and he had sexual relationship with her. As a result, victim girl got conceived. Petitioner is



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married man with child.

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7.Considering the entire factual background that the married man had cheated a girl of 16 years and committed penetrative sexual assault against her and that investigation in this case is not completed, this Court is not inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

12.09.2023

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