



Crl.OP.No.20972 of 2023

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G.CHANDRASEKHARAN.J.,

The petitioners namely Sowkath and Kumaresan, who were arrested and remanded to judicial custody on 19.11.2022 for the offences under Sections 366 of IPC and Section 5(g) read with Section 6 of POCSO Act in Crime No.12 of 2022 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered in Crime No. 12 of 2022 for the offence under Section 366 of IPC and Section 5(g) read with Section 6 of POCSO Act. Petitioners are in Judicial Custody from 19.11.2022. Thus, he seeks bail to the petitioners.

3. In response, learned Additional Public Prosecutor submitted that, defacto complainant is the uncle of the victim girl. He has given complaint in this case. The statement of the victim girl under Section 164 of Cr.P.C was recorded and the medical examination was also over.



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On 16.11.2022 at about 08.40.a.m., she started to school. When she was going near Ettiyathope, she was not well and fainted. Two persons had taken her to Theevanakollai Forest area. There they removed her right side of the pant and inners. Accused Sowkath pressed her breast. She gained consciousness and tried to prevent them. However, they hit her on her head. Sowkath pressed her penis into her private part. Despite her resistance, he tried to pressed his penis into her private part. When she tried to prevent, he kicked her. When she heard a woman's voice at a distance, boys ran away stating that, victim escaped today and they will see to her some other day. Thereafter, one person came in a motor cycle saw her and he has taken her to the hospital for treatment.

4. Considered the rival submissions and perused the records. It is seen from the statement of the victim girl recorded under Section 164 of Cr.P.C., and in her evidence that, first accused had taken the victim girl to the forest area and committed penetrative sexual assault against her. The second accused was also involved in taking the victim girl to the spot and guarding the place while first accused was involved in penetrative sexual assault.



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5. Considering the nature of the offences committed by the petitioners against the victim girl and that the investigation in this case is not completed, this Court is not inclined to grant bail to the petitioner for the reason that, if the petitioners are released on bail, there is a possibility that they will threaten the witness and tamper the evidence and obstruct the fair and free trial.

6. Accordingly, this Criminal Original Petition is dismissed. However, the learned trial Judge is directed to dispose the case as expeditiously as possible.

19.09.2023

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