



Crl.OP.No.20116 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner on bail in Spl.S.C.No.80 of 2023 in Crime No.6 of 2023 pending trial before the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Villupuram.

2.It is the submission of learned counsel for the petitioner that petitioner and the victim girl were lovers. Petitioner is in judicial custody from 25.05.2023. Investigation in this case is completed and case is now pending in Spl.S.C.No.80 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that the victim girl was aged only seventeen years at the time of incident and petitioner was aged twenty-eight years. Petitioner was married and has two children. He cheated the victim minor girl and had committed penetrative sexual assault against her. Though the investigation is completed, if petitioner is released on bail, he would disturb the trial. Section 164 Cr.P.C.



statement of victim girl was recorded and medical examination was over. In such circumstances, he prayed for dismissal of this petition.

4.Considered the rival submissions and perused the records.The reading of the First Information Report allegations show that defacto-complainant's daughter namely the victim girl was forced to have sexual relationship with petitioner on the promise of marriage. Later, it was found that petitioner was married man with two children.

5. The statement of the victim girl under Section 164 of Cr.P.C. shows that petitioner had made a missed call to the victim girl's mother's cellphone. When that call was attended, petitioner introduced himself and said that he wanted to love the victim girl. When the victim girl refused his request, he persistently made calls to her. On 13.04.2023, at about 08.15 a.m, he came to cow shed of defacto-complainant's house and forced her to have sexual intercourse. Thereafter, at his insistence, they had multiple sexual intercourse. Only at later point of time, she came to know that petitioner is already married and he has two children.



6. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed in Crl.O.P.No.18889 of 2023 on 18.08.2023 on the grounds that, it is a case where a married man of twenty-eight years old with two children had cheated a girl of seventeen years and committed penetrative sexual assault against her and also on the submission of the learned Additional Public Prosecutor that if the petitioner is released on bail, he may threaten the witnesses and spoil the fair trial. This Court finds no change of circumstances warranting reconsideration of the bail in favour of the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

15.09.2023

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