



Crl.OP.No.21435 of 2023

**Crl.O.P.No.21435 of 2023**

**G.CHANDRASEKHARAN.J.,**

The petitioner namely Ibrahim, who was arrested and remanded to judicial custody on 06.04.2023 for the offences under Sections 7, 8, 9(m), 9(n), 10, 13, 14( 4) of the Protection of Child from Sexual Offences Act, 2012 and 506(i) of IPC in Crime No.03 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 a case registered in Crime No. 03 of 2023 for the offence under Sections 7, 8, 9(m), 9(n), 10, 13, 14( 4) of the Protection of Child from Sexual Offences Act, 2012 and 506(i) of IPC. He further submitted that, petitioner is the father of the victim girl. Defacto complainant is the mother of the victim girl. There is a dispute between the petitioner and the defacto complainant. Due to the dispute, defacto complainant gave a false complaint against the petitioner. Petitioner is in Judicial Custody from 06.04.2023. Thus, he seeks bail to the petitioner.



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3. In response, learned Additional Public Prosecutor submitted that, defacto complainant gave a complaint stating that, victim girl is her elder daughter. After defacto complainant went for work, petitioner said to have pressed the breast of the victim girl and kissed her on her cheeks. He also told the victim girl not to latch the door while taking bath. He had shown porn photographs to the victim girl. When victim girl suffered fever, he used to remove her pants stating that he would reduce the temperature. This was happening for the past six months. When this was informed to the defacto complainant, she questioned the petitioner. Petitioner said to have criminally intimidated and made threat against the defacto complainant. He threatened the victim girl not to disclose it to anybody. The statement of the victim girl was recorded and the medical examination was also over.

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 that, that her father had tried to remove her pants stating that, he would reduce her temperature. He told her not to latch the door while taking bath and he would look through the window. He used to kiss her



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repeatedly on her cheeks and he had shown porn photographs to her.

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5. In the light of the submission of the learned counsel appearing for the parties and the materials produced, it is clear that, petitioner, who is the biological father of the victim girl aged about 11 years had committed penetrative sexual assault/sexual harassment against her. Though, investigation in this case is over and final report is filed, considering the gravity of the offence committed as against the victim girl by the petitioner, who is her very own father, this Court is not inclined to grant bail to the petitioner for the reason that, if the petitioner is released on bail, he would certainly threaten the victim girl, her mother and other witnesses and that would obstruct the fair and free trial.

5. Accordingly, this Crimeinal 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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