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CrI.O.P.No.25841 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A3 and A4 who were arrested and remanded to judicial custody on 07.09.2023 for the offences punishable under Sections 5(i), 5(j)(ii), 6, 17 of POCSO Act and Sections 363, 312, 511, 109, 341 of IPC in Crime No.211 of 2023 on the file of the respondent police, seeks bail.

2.The petitioners are the parents of A1. A1 is a juvenile. A2 is a Teacher in the school, where the victim child was studying. There was a medical camp in the school, and it was revealed that the victim child had conceived and this was informed by A2 to the petitioners. On that ground, A2 had been granted bail.

3.On the previous occasion, the bail petition was dismissed by holding that the statement under Section 164 Cr.P.C., should be recorded. The statement had been recorded and the learned counsel states that as a change in circumstances of the case and therefore, taking into consideration the period of incarceration, bail should be granted to the petitioners. The



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learned counsel states that both the petitioners have now been in custody for more than 60 days. He states that the parents are not directly involved in the offences. The learned counsel states that any stringent condition could be imposed on the petitioners.

4.I had an occasion to peruse the statement recorded under Section 164(5) of Cr.P.C., and the victim child had given a long statement about being exploited, about the offences committed and about the fact that she became pregnant and further fact that the foetus in the womb was aborted. She had gone through lot of difficulties in all these.

5.Let her evidence be recorded. Even though I expressed that statement under Section 164 Cr.P.C., should be recorded, since the statement itself has to be now supported during the course of evidence, I am not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

10.11.2023

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