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Crl.O.P.No.25838 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A2 who was arrested and remanded to judicial custody on 14.09.2023 for the offences punishable under Sections 363, 366 and 323 of IPC and Section 8 of POCSO Act, 2012 in Crime No.11 of 2023 on the file of the respondent police, seeks bail.

2.The defacto complainant is the mother of the victim child. It is stated that the victim child had been kidnapped by three accused persons who had taken her in a car and next day left her at home.

3.Totally, there are three accused. The petitioner is A2. It is the contention of the learned counsel for the petitioner that the petitioner is only the driver of the car. But however, bail of A3 had come up for consideration before me in Crl.O.P.No.25436 of 2023. By order dated 07.11.2023, that petition had been dismissed. There are no change in circumstances. The statement under Section 164(5) Cr.P.C had been perused and it is seen that



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the victim child had very clearly stated that she had been placed under extreme threat inside the car and she had also been slapped inside the car by the accused persons.

4.Taking all these factors into consideration and that an equal opportunity is given to the victim child to depose evidence freely before the Court, at this stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

10.11.2023

smv

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