



Crl.O.P.No.525 of 2024

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**C.V.KARTHIKEYAN,J.**

The petitioner is an accused in Crime No.215 of 2023 registered by the respondent police for the offences punishable under Sections 5(j)(ii) and 6 of the POCSO Act. He had been arrested and remanded to judicial custody on 14.05.2023. Hence, he seeks bail.

2. It is stated that the victim was an employee of the petitioner herein and taking advantage of that fiduciary relationship and exercising influence, the petitioner had committed the aforementioned offence. The victim had also been impregnated and had been admitted in the hospital. At that time, the offence came to light and FIR was registered.

3.The earlier application seeking bail filed by the petitioner in Crl.O.P.No.18599 of 2023 was dismissed by this Court on 03.10.2023.

4.After that particular date, the DNA had been compared between the foetus and the petitioner and it had been confirmed that it is the petitioner who was responsible for the victim child being impregnated. Thereafter, additional final report has also been filed by the respondent.

5.The learned counsel for the petitioner stated that the petitioner is suffering from heart problem and therefore, stated that the petitioner can be let out on interim bail for a period of 5 days. He also stated that the petitioner will stay away from Chennai and even at Nagercoil and he will not interfere with the victim child.

6.But however, a perusal of the record shows that aggravated sexual penetration had been done for more than 20 to 25 times on the victim child, who is just 16 years old. The petitioner is more than 45 years old and



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has two children aged 11 and 7 years. There is every possibility of the victim child being terrorized even by the presence of the accused and also by any order granted in favour of the accused.

7. Therefore, it would only be appropriate that he continuous to be in custody till atleast the victim child is examined and cross examined. A direction is given to the learned Special Judge for Exclusive trial of cases under POCSO Act, Chennai, to endeavour to frame charges and proceed with the examination of the victim child and also ensure that cross examination is conducted. If the counsel for the accused co-operate and conduct cross examination, then further order shall be passed. At this stage, I am not inclined to grant bail to the petitioner.

8. Hence, this Criminal Original Petition stands dismissed with liberty to file a fresh petition.

9. Since it is stated that the petitioner has a heart problem, a direction is also given to the Superintendent, Central Prison, Puzhal, Chennai, to give proper treatment to the petitioner herein.

**15.02.2024**

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