



Crl.OP.No.19177 of 2024

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P. DHANABAL,J.

The petitioner, who was arrested and remanded to judicial custody on 27.06.2024 for the offence under Sections 5(1) r/w 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012, in Crime No.25 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is working as a teacher and also taking maths tuition to the 10th to 12th Std students, who misused her position of authority and committed penetrative sexual assault on a 17 year old victim child. The victim alleges that she suffered sexual assault from her 10th Std onwards, with the petitioner promising to marry her after completing 12th Std. However, when the victim decided to return to her hometown after completing 12th Std, the petitioner stopped her and slapped on her cheeks. This led the victim to file a complaint against the petitioner. Hence, the case.



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3. Learned counsel for the petitioner has submitted that the defacto complainant is the mother of the victim girl, had arranged a marriage for her minor daughter. However, the petitioner, who was the victim's teacher, intervened and stopped the marriage. As a consequence, a Child Welfare Committee Officer has also prevented the marriage of the de-facto complainant's daughter. Due to the previous enmity, the de-facto complainant induced the victim child and foisted the present false case against the petitioner, as an act of revenge. Further, he submitted that the petitioner is in judicial custody for more than 40 days. Therefore, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Criminal side) appearing for the respondent police would submit that the petitioner, an English teacher of the victim girl, allegedly misbehaved with the victim, threatened her, and forcibly committed penetrative sexual assault on her. The de-facto complainant lodged the complaint before the Child Welfare Committee as well as before the respondent police. Therefore, the petitioner was arrested and the investigation is almost completed.



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5. Heard both sides and perused the materials available on record including the First Information Report as well as the victim statement recorded under Section 183(5) of B.N.S.S. Act, 2013.

6. Considering the rival submissions made on either side and considering the gravity of the offence and charge sheet has not been filed and victim girl was not examined, at this stage, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

08.08.2024

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