



Crl.OP.No.20725 of 2024

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 12.10.2020, for the offences punishable under Sections 5(l), 5(m) r/w. Section 6, POCSO Act, in Crime No.10 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are two victim girls in this case, aged about 12 and 11 years and whenever their mother went for their livelihood (daily cooli), the petitioner and other accused persons after giving cholates and Rs.10/- or Rs.20/-, had committed aggravated penetrative sexual assault on two victim girls on many times by force and coercion. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was arrested and remanded to judicial custody on 12.10.2020 and incarcerated for the past more than three years. Hence, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are 12 accused persons in which the petitioner is arrayed as A3. The case was split up and separate trial has been conducted in which, some of the accused persons are convicted and sentenced to undergo 20 years rigorous imprisonment. Insofar the petitioner is concerned, almost the trial has been completed and entire prosecution witnesses have been examined. However, the petitioner has filed application to recall some of the prosecution witnesses. Further, this is the second bail petition and this Court already dismissed the earlier petition filed by the petitioner. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally twelve accused, in which the petitioner is arrayed as A3. There are two victims aged about 12 years and 11 years and they are living with their mother and whenever the mother went for their livelihood (daily cooli), the petitioner and other accused persons after giving cholates and Rs.10/- or Rs.20/-, had penetrative sexual assault on the victims. They also threatened not to disclose the same to anybody. Being the small girls and also exploiting their poverty, the petitioner has committed very serious offence as against two minor girls. Further, this Court already



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dismissed the earlier bail petition and there is no change in circumstances to entertain this petition. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

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