



Crl.OP.No.28794 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 28.03.2022, for the offences punishable under Sections 363, 366, 372(2)(n) of IPC r/w. Section 6, 5(1) POCSO Act, Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.84 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a married man and he forcibly kidnapped and married the minor victim girl aged about 13 years and in furtherance he committed aggravated penetrative sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He relied upon the deposition of P.W.1 and submitted that though the victim girl deposed that the petitioner caused injury on her left hand by heated iron rod, it is one laceration wound. Further though this Court directed the trial Court to complete the trial within a period of six months by an order dated 05.05.2023, so far trial has not been completed. He further



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submitted that the petitioner was arrested and remanded to judicial custody on 28.03.2022 and incarcerated for the past two years. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that all the prosecution witnesses have been examined and the mater has been posted for defence witnesses. Only because of the petitioner, the trial has been prolonged without completing the same. Further, this is the third bail petition and this Court already dismissed the earlier petitions filed by the petitioners. 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 the petitioner has committed very serious offence as against the minor girl. Further, this Court already dismissed the earlier bail petitions 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. Accordingly, this Criminal Original Petition is dismissed.

24.01.2024

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