

CRL.O.P.No.13311 of 2016**S.VAIDYANATHAN,J.**

The petitioner, who was arrested on 8.03.2016 under P.T.Warrant for alleged offences punishable under Sections 366, 376 IPC read with Section 4 of Protection of Children from Sexual Offences Act, 2012 in Crime No.797 of 2015 on the file of the respondent police, seeks bail. Originally Non Bailable Warrant was issued against the petitioner on 26.02.2016 and subsequently, he was arrested and remanded to judicial custody by way of P.T.Warrant on 08.06.2016 for the alleged offence under Sections 366(A), 212 and read with Section 6 of the POCSO Act in Cr.NO.328 of 2016 .

2. The case of the prosecution is that the petitioner is alleged to have committed abducted the minor girl aged about 15 years and committed sexual assault on her.

3. The learned counsel for the petitioner submitted that he is innocent and falsely implicated in this case. He further submitted that the respondent police seriously tortured the petitioner, in which, he could not hear anything and both his ears were completely damaged. He further submitted that he is willing to abide by any condition.

4. The learned Government Advocate (Crl. Side) submitted that the victim girl aged about 15 years and that the case is pending against the petitioner, he again took the said girl, who is a minor, another case has been registered against the petitioner. In such circumstances, if the petitioner is released on bail, he will repeat the same offence and he strongly opposed to grant bail to the petitioner.

5. Learned counsel for the Intervenor would submit that a case is

pending the case in Cr.No.797 of 2015, on 14.12.2015, PW1 and PW2 were present, but the accused was not come forward to cross examine and thereafter, he filed a petition under Section 311 Cr.P.C. And the same was allowed and PW1 and PW2 were present on 20.01.2016, since then he has not cross examined the witnesses. This practice would show that dragging the case for cross examination and also further witnesses. Thereafter, the defacto complainant lodged another complaint against the petitioner stating that her daughter was found missing and a case was registered in Cr.No.328 of 2016. He further submitted that if he release on bail, he will tamper the witnesses. Hence, he prays for dismissal of the petition.

6. At the outset, it is relevant to extract Section 35 (2) of the Protection of Children From Sexual Offences Act, 2012, which reads thus:

35. Period for recording of evidence of child and disposal of case:--

(1)

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence."

7. It is a case of jumping out of bail. Considering the grave nature of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

8. Considering the seriousness of the offence committed by the petitioner and also taking note of the mandate provided under Section 35(2) of the Protection of Children From Sexual Offences Act, 2012, the learned Trial

Judge is directed to take up the matter on day to day basis and shall not adjourn the matter beyond two working days at any point of time and the petitioner shall co-operate with the trial.

05.07.2016

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