

CRL.O.P.No.13843 of 2016

S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 20.01.2016 for the alleged offence punishable under Section 363 @ 366-A IPC and Sec.10 of POCSO Act, 2012 in Crime No.12 of 2016 on the file of the respondent police, **seeks bail.**

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3.The case of the prosecution is that the petitioner is a teacher and kidnapped the victim minor girl who is studying in his school and had committed sexual harassment on her.

4.The learned counsel for the petitioner submitted that there was a love affair between the petitioner and de-facto complainant and she was 21 years old. He further submitted that the petitioner has not committed any such offence and a false case has been foisted against him.

5.Learned Public Prosecutor (Pondicherry) submitted that the petitioner kidnapped the minor girl and committed sexual harassment on her. He further submitted that charge sheet has been filed in this case on 14.03.2016.

6.Considering the facts and circumstances of the case and taking note of the fact that charge sheet has been filed and also

considering the period of incarceration of the petitioner, **the petitioner is ordered to be released on bail subject to the following conditions:**

(i)the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the **learned Special Judge (Under POCSO Act), Puducherry;**

(ii)the petitioner shall stay at Karaikkal and he is directed to appear before the learned Judicial Magistrate-I, Karaikkal daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv)the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

7.The trial court is expected to complete the trial and pass final judgment within the time stipulated as contemplated under Section 35(2) of the POCSO Act which is extracted hereunder;

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

(1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(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."

8.The trial Court is expected to take up the matter and proceed with the case on a day-to-day basis and shall not adjourn the matter beyond two working days at any point of time.

9.Registry is directed to forward a copy of this order to the trial court within a week from the date of the order being made ready.

21.07.2016

DP

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