

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.8877 of 2016

ORDER:

The petitioner who is A3 in S.C.No.60 of 2014 on the file of Special Judge for Protection of Children from Sexual Offences Act-cum-Additional Metropolitan Sessions Judge, Vijayawada, preferred the application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in the above sessions case. A charge sheet came to be filed against the petitioner and others for the offences punishable under Sections 376, 376-D, 384, 354-A(ii), 354-D(i), 506 and 509 read with Section 34 of IPC and Sections 4, 6 and 12 of the POCSO Act, 2012.

The allegations in the charge sheet would disclose that the petitioner along with other accused, are alleged to have lured 18 girls by deceitful words and then committed sexual assault on them. The statement of victim No.12 discloses that during the month of September, 2013, A1, with the active support and instigation of A2 followed her on the pretext of love. On one occasion A2 took her photographs at the instigation of A1 through his mobile and thereafter morphed the nude photos and shown the same to her. When she complained about the same, A1 assaulted A2 so as to attract her. Thereafter, victim No.12 believed that A1 is in love with her and started moving freely with him. On one occasion A1 by deceitful words took LW1 to his house and had sexual intercourse with her on a false promise of marriage. Thereafter, A1 took two sovereigns of gold chain on the pretext that he was in need of money. During the month of March, 2014, A1 took LW1 to his house and forced her to share bed with his friends. When she refused, A1 threatened LW1 that he is in possession of her nude photos and sexual intercourse videos and if she fails to share bed with his friends he would circulate the same to others. Thereafter, A1, 2, 4 and 5 had forcible sexual intercourse with LW1 by putting her in fear of circulation of the nude photographs and videos. Basing on these allegations, the above charge sheet came to be filed.

Learned counsel for the petitioner submits that by an order dated 16.02.2016, this Court, in CrI.P.No.1540 of 2016, directed the trial Court to dispose of S.C.No.60 of 2014 as early as possible, preferably within a period of two (02) months from the date of receipt of a copy of the order. But the said case is not disposed of till date, due to which the petitioner is suffering incarceration without there being specific allegations against him. Hence, he seeks bail.

Learned public prosecutor, on instructions, submits that on a request made by the In-charge Spl.Public Prosecutor and counsel for the accused, the trial Court extended time for arguments. He further submits that since the offence is under POCSO Act, a Special Public Prosecutor has to be appointed and there is every likelihood of special Public Prosecutor being appointed at the earliest.

Having regard to the above circumstances, the request of the petitioner for grant of bail cannot be considered at this stage. But, however, the trial Court shall dispose of S.C.No.60 of 2014, as early as possible, preferable within a period of three weeks from the date of receipt of a copy of this order. In case the arguments could not be advanced on the date fixed, the petitioner is at liberty to move an application for bail before the trial Court, in which event, the same shall be dealt with, in accordance with law.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.08.2016
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