

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7465 of 2020

D.Saminathan

... Petitioner

Vs.

The State Rep. By

... Respondent

The Inspector of Police,

AWPS, Attur,

Salem District.

Cr. No.961 of 2014.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.961 of 2014 on the file of the respondent police.

For Petitioner : Mr.P.Udhayashankar

For Respondent : Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.11.2019 for the offence punishable under Sections 363, 366 of I.P.C., and Section 5(I) r/w 6 of POCSO Act 2012 in Crime No. 961 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl and has committed sexual harassment and assault on the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody in the above case and subsequently he was released on bail. On one hearing, he could not appear before the Trial Court and as such, the non-bailable warrant was issued against the petitioner on 18.08.2016. Thereafter, the said warrant was executed by the respondent on 29.11.2019 and he was arrested and remanded to judicial custody. The petitioner is in prison from 29.11.2019. He also submitted that the petitioner is ready to appear before the Trial Court regularly without fail.

4. The learned Additional Public Prosecutor (Crl.Side) submitted that the petitioner have committed very serious offence under the POCSO Act. Thereafter, he was granted bail. The respondent completed investigation and filed the final report and the same has been taken cognizance in SCC No.71 of 2015, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act. Thereafter, the petitioner failed to appear before the Trial Court and as such, on 18.08.2016, the Trial Court issued non-bailable warrant against the petitioner. Even then, the respondent could not able to arrest the petitioner, since the petitioner absconded. At last, on 29.11.2019, the respondent able to secure the petitioner by executing the non-bailable warrant and remanded to judicial custody. If he let out on bail, again he will abscond and the entire trial will be stalled. Therefore, he vehemently opposed the grant of bail to the petitioner.

5. It is seen that originally the petitioner was granted bail and subsequently, he failed to appear before the Trial Court. On 18.08.2016, the Trial Court issued non-bailable warrant and by executing the same, the respondent arrested the petitioner only on 29.11.2019. Though the Trial Court had taken cognizance in the year 2015, only because of the petitioner's absent, the Trial Court could not proceed further. Now, it has been assigned in new SCC No.16 of 2019 and the trial is pending. Therefore, if the petitioner let out on bail, the entire trial will be stalled.

6. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and the petition stands dismissed. However, the Trial Court is directed to complete the entire trial as expeditiously as possible after the re-opening of the Court.

-sd/-

07/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POSCO ACT. SALEM.

2 THE INSPECTOR OF POLICE,
AWPS, ATTUR,
SALEM DISTRICT.

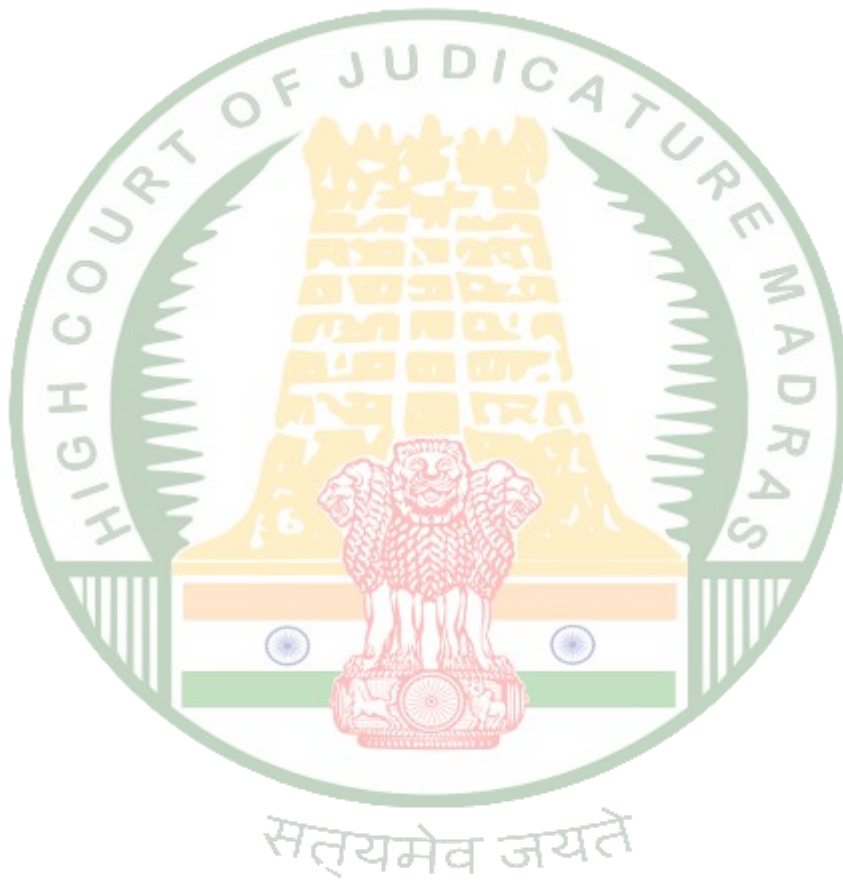
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to MR.P.UDHAYASHANKAR, Advocate on payment of necessary
charges

CRL OP.7465/2020

Date :07/05/2020

TA-12/06/2020



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