

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13335 of 2020

Selvakanthan

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Sethia Thoppu Police Station,
Cuddalore District.
(Crime No. 8 of 2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 8 of 2019, on the file of the respondent police.

For Petitioner : Mr.M.Mohana Sundaram

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.07.2020 for the offences punishable under Section 3 r/w 4 of POCSO Act, in Crime No.8 of 2019, on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner had committed penetrative sexual assault on the victim girl, aged 13 years, who was also a mentally retarded girl.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the accused was arrested on 01.07.2019 and thereafter he was detained under Act 14 and one year period of detention has also been over. He would submit that the petitioner is in custody for more than one year. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Government Advocate (Crl.Side) would submit that the petitioner had committed penetrative sexual assault on mentally retarded victim girl, aged 13 years. He would submit that the investigation has been completed and the case has been taken up in Spl.S.C.No.97 of 2019 before the Special Court (POCSO Act cases), Cuddalore and charges have also been framed. He would submit that there are 25 witnesses and if a direction is issued, the respondent will be able to complete the trial within specified period.

5 Taking into consideration the facts and submissions made by the learned counsel and considering the fact that the charges have also been framed, this Court is not inclined to grant bail to the petitioner. However, direction is issued to the learned Trial Judge to complete the trial within six months from the date of lifting of lock down or commencement of the Court's normal functioning, whichever is earlier.

6 With the above direction, this Criminal Original Petition is disposed of.

-sd/-

01/09/2020

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 DISTRICT JUDGE,
SPECIAL COURT (POCSO ACT CASES),
CUDDALORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SETHIA THOPPU POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.M.MOHANA SUNDARAM Advocate on payment of necessary charges

CRL OP.13335/2020

Date :01/09/2020