

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR. JUSTICE P. VELMURUGAN

Crl.O.P.No.2860 of 2021

Raja

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Ranipet, Ranipet Dt.
(Crime No.24 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.24 of 2020 on the file of the Respondent.

For Petitioner : No appearance

For Respondent : Mrs.M.Prabhavathi
Addl. Public Prosecutor

ORDER

The respondent police has registered a criminal case against the petitioner in Crime No.24 of 2020 for the offence punishable under Section 5(m), 6 of POCSO Act, 2012 and Sec. 341 of I.P.C. The petitioner was arrested and remanded to judicial custody on 21.12.2020. Accordingly, the petitioner has filed this petition seeking for bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On 20.12.2020, the petitioner said to have taken the victim girl and also sexually assaulted with a minor girl, aged about 8 years. When the defacto complainant found the victim girl crying in front of the petitioner's house, he has questioned the same, and rescued the girl. Hence, the criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 21.12.2020. Now, seeking bail, the present petition has been filed.

3. There is no representation on behalf of petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent very vehemently opposed this petition on the ground that it is a case of sexual assault with a minor girl, aged about 8 years and the petitioner is a neighbour, who is aged about 48 years. She would submit that the investigation has already been completed and

the case has been taken cognizance in Special S.C.No.45 of 2021 on the file of Special Court, Vellore and the matter is posted for framing of charges. Hence, she has strongly opposed the bail application.

5. Taking into consideration of the fact that there is a specific overtact attributed against the petitioner, the victim is a minor girl, aged about 8 years, the petitioner is aged about 48 years and also considering the gravity of offence, the trial will be protracted. Therefore, considering the seriousness of offence and the age of victim girl, this Court is not inclined to grant bail to the petitioner, and the learned Special Judge, Special Court for Exclusive Trial of cases under POCSO Act, Vellore is directed to frame the charge, speed up the trial and to complete the trial within a period of six months from the date of receipt of the copy of this order.

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

-sd/-

29/03/2021

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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE,
TRIAL OF CASES UNDER POCSO ACT,
VELLORE.

2 THE INSPECTOR OF POLICE, सत्यमेव जयते
ALL WOMEN POLICE STATION,
RANIPET DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.2860/2021

Date :29/03/2021

RG.04.05.2021