

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 5608 of 2021

Naveen Kumar

... Petitioner

-VS-

The State rep. by
The Inspector of Police,
All Women Police Station,
Mettur.

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in Crime No. 4 of 2020 on the file of the Inspector of Police, All Women Police Station, Mettur, Salem District.

For Petitioner : Mr. D.Arun

For Respondent : Mr. L.Charles Prem Kumar,
Government Advocate (Criminal Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 20.06.2020 for the offence punishable under Section 506(i) of the Indian Penal

Code, 1860 and Sections 5(m) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No. 4 of 2020 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the Petitioner, who is a married man, had committed penetrative sexual assault on the victim girl who is aged about 11 years. Hence, the complaint.

3. The Learned Counsel for the Petitioner would submit that this the third application for bail. He would further submit that now the case has been taken up for trial and it has been posted on 06.05.2021 for examination of L.W.1 to L.W.3. He would further submit that the Petitioner has to engage a Counsel to conduct trial and thereby, he would seek for bail.

4. The Learned Government Advocate (Criminal Side) appearing for the Respondent would vehemently oppose stating that the Petitioner is a married man having children and taking advantage of the poverty of the De-facto Complainant and her family, took the victim child to a secluded place and committed penetrative sexual assault on her. He would further submit that this Court taking into consideration the medical report and 164 statement recorded

from the victim girl, had dismissed the earlier applications for bail and that there is no change of circumstances.

5. At this juncture, the Learned Counsel for the Petitioner would submit that atleast a direction may be issued to the Learned Special Court for POCSO Cases/Mahila Court, Salem to complete the trial at the earliest. He would further submit that the case has been posted to 06.05.2021 for examination of L.W.1 to L.W.3.

6. Taking into consideration the fact that this Court had earlier dismissed the bail application twice and that there is no change of circumstances, this Court is not inclined to grant bail. However, a direction is issued to the Learned Special Court for POCSO Cases/Mahila Court, Salem to complete the trial in Special S.C. No. 48 of 2021 as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this Order.

7. With this observation, this Criminal Original Petition is disposed.

27.04.2021

vjt

Index: Yes/No

Internet: Yes/No

A.D. JAGADISH CHANDIRA, J.

vjt

To

1. The Inspector of Police,
All Women Police Station,
Mettur.
2. The XXI Additional Sessions Court,
Chennai.
3. The Special Court for POCSO Cases/Mahila Court,
Salem.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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