



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.22180 of 2021

NAVEEN KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR,
SALEM DISTRICT
(CRIME NO.4 OF 2020)

[RESPONDENT]

For Petitioner : M/S.N.U.PRESSANNA Advocate

For Respondent : MR.S.SUGENDRAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.06.2020 for the offences punishable under Section 506(i) IPC and Section 5(m) and 6 of the Protection of Children from Sexual Offences Act 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 is the fourth application for bail. He would further submit that earlier the petitioner had moved Crl.O.P.5608 of 2021 and this Court, while dismissing the earlier application, had directed the trial Judge to complete the trial within a period of four months from the date of receipt of a copy of the order. Despite the dismissal on 27.04.2021 and lapse of four months, the trial has not been completed and thereby, he would seek for bail.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that this is a case where the petitioner is a married man having children and taking advantage of the poverty of the defacto complainant and her family, took the victim child to a secluded place and committed penetrative sexual assault on her. He would further submit that the age of the victim is 11 years and this Court while taking into consideration the medical report and 164 statement recorded from the victim, had dismissed the earlier application for bail and that there is no change of circumstances. He would further submit that there are totally 17 witnesses in this case and most of the witnesses have been examined and that L.W.6, L.W.15 and L.W.17 remain to be examined on the side of the prosecution. He would further submit that there is every possibility of the trial being completed utmost within a period of two months and thereby he would seek for dismissal of this bail application.

5. Taking into consideration the averments against the petitioner, this Court had earlier dismissed the bail application thrice and there is no change of circumstances and further, it is represented that the trial have been delayed on account of pandemic, this Court is not inclined to grant bail to the petitioner. However, a direction is issued to the trial Judge to complete the trial in Special S.C.No.48 of 2021 and deliver judgment as expeditiously as possible within a period of two months from the date of receipt of a copy of this order.

6. With the above observation, the criminal original petition stands disposed of. It is made clear that the observation made by this Court in this bail application is for disposal of this bail application and the trial Court shall not be influenced by the observation made in this bail application.

-sd/-
29/11/2021

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.22180/2021

Date :29/11/2021

JPA 03/12/2021