



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.13724 of 2022

SPECIAL SESSIONS CASE NO.102 of 2020

(ON THE FILE OF THE SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI)

BARKATH @ BARKARTHULLA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDAVASI,
THIRUVANNAMALAI DISTRICT.
(CRIME NO.3/2020)

[RESPONDENT]

For Petitioner : M/S.R.CHANDRASEKARAN Advocate

For Respondent : M/S.R.KISHORE KUMAR, 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 26.07.2020 for the alleged offence under Sections 363, 366, 366-A and 376(DA) of I.P.C. and Section 5(g) r/w Section 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 in Crime No.3 of 2020 on the file of the respondent police and the trial is pending in Spl.S.C.No.102 of 2020 on the file of Special Court for trial of cases under POCSO Act, Tiruvannamalai, seeks bail.



2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused induced the minor girl aged about 14 years to come out of her home, kidnapped her with an intention to have illicit intercourse with her, thereby committed gang rape upon the victim girl by giving beer. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that this is the third petition praying for bail and now the trial was commenced and P.W.1, P.W.2 and the victim were examined and cross examined. He would also submit that he is in jail for nearly one year and prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the victim girl is a minor aged about only 14 years and that the petitioner has sexually assaulted her. He would also submit that the trial court posted the trial for further evidence on 15.06.2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner and also considering the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. However, the trial court is directed to expedite the trial and dispose the same within a period of three months from the date of receipt of copy of this order. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
15/06/2022

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 SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDAVASI,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.CHANDRASEKARAN Advocate on payment of necessary
charges SR.NO. 9206

CRL OP.13724/2022

Date :15/06/2022

RW-22/06/2022