



CrI.O.P.No. 3251 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 05.09.2020 for the alleged offence under Sections 341, 323, 354, 366 of I.P.C. in Crime No.1649 of 2020 on the file of the respondent police, seeks bail.

2. The case of prosecution is that defacto complainant, who is aged about 29 years and her husband were working in the handloom of one Gopal. While being so, on 03.09.2020 at about 03.30 hrs., both husband and wife taken lunch and thereafter, she alone gone to her handloom place, at that time, petitioner said to have waylaid her and attempted to commit sexual assault and took her behind the bushes and attacked. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is an innocent person and he was working as casual labourer in Karthik Rice mill at Pendai Village, Kancheepuram District. He would submit that on suspicion only, he along with other accused were arrested and taken to



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police station for enquiry. He would submit that due to political influence, other accused was left out from this case and he is also working in the said rice mill, however, petitioner alone has been falsely implicated in this case. He would submit that he is no way connected with the offence and he is not at all present in the scene of occurrence and his name was not found in F.I.R.. He would submit that he has not at all committed any of offence as alleged by the respondent police and he will abide by any condition imposed by this court. He would submit that he is only a friend of A1 and he is not relative of deceased. He would further submit that the investigation is almost completed. He would submit that the trial court framed charges against him on 28.04.2022 and thereafter, there is no progress in the trial, since the Presiding Officer of concerned court is vacant. Hence, the incharge judge of the POCSO court at Chengalpet has periodically extended his and that the petitioner has been suffering incarceration for more than 2 ½ years from 05.09.2020 and this is the third petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that the petitioner is having two criminal cases



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including Sec. 302 of I.P.C. pending against him. He would submit that now the trial is in the stage of examination of eye-witnesses and trial would be completed as early as possible. He would submit that now if he is released on bail, he would tamper the witnesses and hamper the investigation and the trial would be stalled. 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 the fact that now the trial is in the stage of examination of eye witnesses and the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering investigation and also the fact that if he is released on bail, trial would be stalled, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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