



Crl.O.P.No.5209 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 14.05.2022, for the alleged offences punishable under Section 5(j)(ii) r/w Sections 6 and 17 of POCSO Act, in Crime No.11 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Lalitha, Member of the child help line, is that she received an information that a minor victim girl was admitted in the hospital after she had delivered a male child on 13.04.2022 at her residence. On enquiry, the victim girl stated that she was living with her mother, who was also accompanied by her mother's male friend one Muthukumar. During which, the said Muthukumar had committed repetitive penetrative sexual assault on the victim girl. Based on the complaint given by the de-facto complainant, a case in Crime No.11 of 2022 was registered for the offence under Sections 5(j)(ii) r/w 6 and 17 of POCSO Act. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 14.05.2022 and he is prepared to abide by any stringent conditions that may be imposed by this Court. He also submitted that A2 in this case has already been enlarged on bail by this Court. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that it is a case where, the petitioner, who is the male friend of the victim girl's mother, had committed repetitive penetrative sexual assault on the minor victim girl, aged about 17 years, due to which, the victim girl has become pregnant and also delivered a male child on 13.04.2022. Based on the complaint given by the Member of the child help line, the case has been registered. During the course of investigation, a DNA test was also conducted which also confirmed that the petitioner is the biological father of the male child delivered by the victim girl. He further submitted that the petitioner is already a married man and the case now stands posted for trial in



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Spl.S.C.No.195 of 2022 before the learned Special Judge for exclusive trial of cases under POCSO Act, Chennai. He also submitted that there are totally 14 witnesses in this case and the case now stands posted for examination of L.W.1 to L.W.4., on 28.04.2023. He further submitted that the respondent would be able to complete the trial as expeditiously as possible and prayed that time may be fixed for completion of trial. He also submitted that if the petitioner is granted bail at this stage, there is every possibility of the petitioner threatening the victim and thereby, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record including the statement under Section 164 of Cr.P.C recorded from the victim and the charge sheet.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Additional Public Prosecutor and also considering the nature of the offence committed by the petitioner, this Court



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finds that it is not a fit case for granting bail, thereby, this Court is not inclined to grant bail to the petitioner.

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7. Accordingly, the Criminal Original Petition stands dismissed. However, the learned Special Judge for exclusive trial of cases under POCSO Act, Chennai is directed to complete the trial in Spl.S.C.No.195 of 2022, as expeditiously as possible, within a period of three months from the date of receipt of copy of this order.

13.03.2023

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