



Crl.O.P.No.5993 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 23.03.2022, for the alleged offences punishable under Sections 506(ii), 376(2) (f) of IPC, 5(1), 5(n) r/w 6 of POCSO Act, in Crime No.4 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, in an inebriated condition, committed penetrative sexual assault on the minor victim girl, who is the own daughter of the petitioner. Hence the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for bail and the earlier application for bail filed before this Court was dismissed as withdrawn. He would further submit that even as per FIR, the victim girl stated that the petitioner has only misbehaved with her and there is no specific averment made against the petitioner. He would further submit that the prosecution witnesses have not supported the case of prosecution. Thereby, he seeks for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail to the petitioner stating that it is a case where the petitioner has misbehaved with his own daughter. He would further submit that the statement under Section 164 Cr.P.C., has been recorded from the victim girl. He would further submit that the major part of the trial has been completed and the case now stands posted for examination of Investigating Officer on 20.03.2023. He would also submit 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.

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.

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.

7. Accordingly, the Criminal Original Petition stands dismissed. However, the learned Special Judge for exclusive trial of cases under POCSO Act, Tiruvannamalai is strictly follow the directions of this court in Crl.O.P.No.23218 of 2022 dated 28.09.2022 and complete the trial as expeditiously as possible, preferably, within a period of one month from the date of receipt of copy of this order.

15.03.2023

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