



Crl.O.P.No.8399 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023 for the offences punishable under Sections 5(1) r/w 6(1) of POCSO Act, 2012 and 506(i) of IPC in Crime No.4 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 12 years and the petitioner is a married man, who is aged about 30 years. It is alleged that the petitioner went to the house of the defacto complainant on several occasions and had committed penetrative sexual assault on the victim and also threatened her not to disclose the same to anyone. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third application for bail and the earlier bail applications filed by the petitioner were dismissed by this Court in Crl.O.P.Nos.16755 & 32703 of 2022 vide orders dated 19.07.2022 & 09.01.2023 respectively. He further submitted that now the charge sheet has been filed and the case has also



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been taken up for trial in Spl.S.C.No.32 of 2022 pending on the file of the District Fast Track Mahila Court, Dharmapuri, therefore, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that it is a case where the petitioner, who is a married man, had committed penetrative sexual assault on the minor victim girl, aged about 12 years. He further submitted that this Court taking into consideration the gravity of the offence committed by the petitioner, which is serious and heinous against the minor victim girl, had dismissed the earlier application. He further submitted that there is no change of circumstances and there are totally 20 witnesses and if the time frame is fixed, the respondent will be able to complete the trial. Hence, he prayed for dismissal of the petition.

5.Taking into consideration the gravity of the offence, the earlier bail application filed by the petitioner was dismissed and since there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. However, a direction is issued to the learned District Judge, Fast



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Track Mahila Court, Dharmapuri, to complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. It is made clear that the observations made by this Court in the present petition are only for disposing the bail application, which shall not take any bearing on the trial Court. The trial Court shall decide the case independently taking into consideration the evidence let in during the course of trial.

4. With the above observation, this Criminal Miscellaneous Petition is ordered.

19.04.2023

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