



Crl.O.P.No.12341 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 01.02.2023, pursuant to the non-bailable warrant issued against him on 29.06.2022, for the alleged offence under Sections 366, 506(i) of IPC and Sections 5(m) r/w 6 of Protection of Children from Sexual Offences Act, 2012, in Spl.S.C.No.130 of 2019, pending on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, in connection with Crime No.43 of 2019, seeks bail.

2. Learned counsel appearing for the petitioner submitted that this is the second bail application of the petitioner before this Court and this Court, had dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.7572 of 2023 vide order dated 06.04.2023. He further submitted that the petitioner is languishing in judicial custody from 01.02.2023 and he is prepared to furnish sufficient sureties and also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.12341 of 2023

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioner had committed penetrative sexual assault on the minor victim girl, aged about 17 years. He also submitted that investigation in this case has been completed and the case was also taken up for trial in Spl.S.C.No.130 of 2019, pending on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram. He further submitted that since the petitioner had failed to appear before the trial Court on 29.06.2022, the trial Judge has issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was arrested on 01.02.2023. He further submitted that the case now stands posted for examination of witnesses on 14.06.2023, therefore, if bail is granted to the petitioner at this stage, there is every possibility of him to abscond again and would derail the progress of trial. He also submitted that there is no change of circumstances in this case, therefore, he seek for dismissal of this petition.



Crl.O.P.No.12341 of 2023

WEB COPY

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on both sides, taking note of the gravity of the offence committed by the accused and also considering the fact that there is no change of circumstances in this case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed. However, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, is directed to complete the trial in Spl.S.C.No.130 of 2019 as expeditiously as possible, preferably, within a period of four months from 14.06.2023.

02.06.2023

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Page 3 of 4



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Crl.O.P.No.12341 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.12341 of 2023

02.06.2023