



Crl.O.P.No.10619 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 05.01.2021, for the offences punishable under Sections 341, 342, 506(ii), 177 IPC r/w Sections 5(l), 5(n), 5(j)(ii) & 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.01 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the step-father of the minor victim girl, had committed penetrative sexual assault on the victim girl. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the this is the second application for bail filed by the petitioner before this Court and this Court, while dismissing the earlier bail application in Crl.O.P.No.23425 of 2022 on 27.09.2023, had directed the trial Court to complete the trial as expeditiously as possible, preferably within a period



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of five months from the date of receipt of copy of that order. However, despite the lapse of five months, the trial Court has not completed the trial, thereby, the petitioner has filed this present petition. He also submitted that the petitioner is in custody from 05.01.2021, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a pathetic case, where the petitioner, who is the step-father of the minor victim girl, had committed penetrative sexual assault on her, due to which, she become pregnant and later, pregnancy of the victim has been terminated. He further submitted that the DNA report has also confirmed the paternity of the child. He also submitted that the trial in Spl.S.C.No.39 of 2021 on the file of the Special Court for Trial of Cases under the POCSO Act, Villupuram, has been commenced and the victim has to be examined on 21.06.2023. Therefore, if bail is granted to the petitioner at this stage, there is every possibility of him threatening the witness, hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Counsel on either side and also considering the gravity of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Court, without expressing any opinion with regard to the submissions made, is dismissing this Criminal Original Petition. However, the learned trial Judge is directed to strictly comply with the order, passed by this Court in Crl. O.P.No.23425 of 2022 dated 27.09.2022 and take steps to complete the trial as expeditiously as possible.

13.06.2023

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