



Crl.O.P.No.11069 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 16.12.2022, for the offences punishable under Sections 342, 506(ii) of IPC r/w Section 5(l), 5(m), 5(n), 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.33 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner, who is the father of the minor victim girl, aged about 13 years, had committed penetrative sexual assault on his own daughter. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the matrimonial dispute between the petitioner and his wife, a false complaint has been given against the petitioner. He further submitted that the investigation in this case has been completed and the case has also been taken up in Spl.S.C.No.12 of 2023 on the file of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram. He also



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submitted that the petitioner is languishing in judicial custody from 16.12.2022 and he is 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the pathetic case, where, the father/petitioner had committed penetrative sexual assault on her own daughter/ minor victim girl, aged about 13 years. He also submitted that the investigation in this case has been completed and the case has also been taken up for trial in Spl.S.C.No.12 of 2023, pending on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram. He further submitted that there are 14 witnesses in this case and the case now stands posted on 07.06.2023 for appearance of the accused. He also submitted that the case of the prosecution is supported by the oral statement of the minor victim girl as well as the medical report, therefore, if bail is granted to the petitioner at this stage, there is every possibility of him, threatening the witnesses and



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absconding and which would derail the progress of trial. Therefore, he seek for dismissal of this petition.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is not insisting for bail, however, he prayed that a direction may be issued to the learned trial Judge to complete the trial within a specific period of time.

6. 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 statement recorded from the minor victim girl under Section 164 Cr.P.C.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on both sides, considering the statement recorded from the minor victim girl under Section 164 Cr.P.C. and taking note of the gravity of the offence committed by the accused, this Court is not inclined to grant bail to the petitioner.



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8. 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.12 of 2023, as expeditiously as possible, preferably, within a period of four months from the date of receipt of copy of this order.

05.06.2023

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Note : Issue order copy today (05.06.2023).

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