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Crl.O.P.No.12131 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who was arrested and remanded to judicial custody on 08.10.2022, for the offences punishable under Sections 342, 506(i) of IPC r/w Sections 5(i), 5(l), 5(m), 5(n), 6 of Protection of Children from Sexual Offences Act, 2012, and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, and Section 75 Juvenile Justice Act, 2015, in Crime No.22 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 8 years, had misbehaved with his own daughter by touching her private parts. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court, had dismissed the earlier bail application in Crl.O.P.No.10251 of 2023 vide order dated 05.05.2023. He further



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submitted that the investigation in this case has been completed and the case has also been taken up in Spl.S.C.No.218 of 2022 on the file of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram. He also submitted that the petitioner is languishing in judicial custody from 08.10.2022 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 case, where, the father/petitioner had misbehaved with her own daughter/ minor victim girl, aged about 8 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.218 of 2022, pending on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, however, the trial has not been commenced. He further submitted that this is the second bail application of the petitioner and this Court, after perusing the statement recorded from the minor victim girl under Section 164 Cr.P.C,



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dismissed the earlier bail petition. He further submitted that if bail is granted to the petitioner at this stage, there is every possibility of him, threatening the witnesses and absconding and which would derail the progress of trial. Therefore, he seek for dismissal of this petition.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on both sides and taking note of the fact that this Court had dismissed the earlier bail application very recently on 05.05.2023 and also considering the gravity of the offence committed by the accused, this Court is not inclined to grant bail to the petitioner.

**A.D.JAGADISH CHANDIRA, J.**



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7. At this juncture, the learned Counsel appearing for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement in the case bundle to that effect.

8. In view of the submissions and the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn. 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.218 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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