



Crl.O.P.No.12539 of 2023

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

The petitioner, who was arrested and remanded to judicial custody on 09.04.2022, in Spl.S.C.No.74 of 2022 in connection with Crime No.119 of 2022 registered for the offences under Sections 366, 344, 376-A, 302 of IPC, Sections 5(1), 6 r/w 17 of POCSO Act, Sections 9, 10 of Child Marriage Act and Section 75 of Juvenile Justice (Care and Protection of Child) Act 2015, on the file of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Villupuram, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Thanigaivel is that A1 had asked him to give his minor daughter/victim, aged 13 years, in marriage to him and the defacto complainant's family had refused the same, since, the victim was minor, aged about 13 years. Therefore, the accused had induced the victim by getting her phone number and later, he kidnapped her from the lawful custody of the de-facto complainant, performed child marriage and they were living together. While



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so, on 08.04.2022, the accused, in an inebriated condition, had assaulted the victim with iron pipe, resulting in which, the victim died. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would further submit that the petitioner was detained under Act 14 and the same was set aside by this Court in HCP.No.1349 of 2022 vide order dated 02.02.2023. He would further submit that the investigation has been completed and the case has also been taken up for trial in Spl.S.C.No.74 of 2022 on the file of the Special Court for POCSO Act cases, Villupuram and the case now stands posted for examination of witnesses. He would also submit that the petitioner was arrested on 09.04.2022 and he is in custody for more than a year. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that it is a case where the petitioner, who is aged about 31 years, had induced, kidnapped a minor victim girl, aged 13 years and performed child marriage and later, when he was living along with



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her, he, in an inebriated condition, assaulted her with iron pipe, resulting in her death. He would further submit that the charge sheet has been filed and the case has been taken up for trial in Spl.S.C.No.74 of 2022 and so far, two witnesses have been examined and the trial will be completed within a period of four months. Therefore, if the bail is granted to the petitioner at this stage, there is every possibility of the petitioner interfering with the administration of the justice. Thereby, he seeks for dismissal of the petition.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6.Taking into consideration the facts of the case and 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.



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7. Accordingly, this Criminal Original Petition is dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of four months from today i.e., on 07.06.2023.

07.06.2023

vkx

To:

The Special Court exclusive trial of cases under POCSO Act,
Villupuram.

Note: Issue order copy today ie., 07.06.2023



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