



Crl.O.P.No.20160 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 07.03.2023, in connection with Crime No.82 of 2023 registered for the offences under Sections 363, 365, 366, 376(3), 506(2) of IPC r/w 3, 4(2) of POCSO Act and Section 67(b) of IT Act on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the victim girl had requested the petitioner to make a call to her mother that she had forgotten to take her social science book from her house, following this, the petitioner had made a call to her, but the same was not connected. Subsequently, the petitioner approached the victim girl and insisted her to come along with him stating that since he was going to Viruduchalam, he would drop her at Virudhachalam and that the victim girl believing the words of the petitioner, travelled along with him in his two wheeler. The further case of the prosecution is that the petitioner brought the victim girl to a secluded place and committed penetrative sexual assault



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on her and the same was videographed by him and later he had threatened the victim girl that he would upload the obscene videos in the social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second bail application for bail. He further submitted that the earlier application for bail was dismissed stating that the dismissal of the first application was not brought to the notice of this Court. He further submit that the petitioner is in judicial custody from 07.03.2023 and that the final report has been filed and the case has been taken up for Trial and the same is pending before the Trial Court without any progress from 22.05.2023. He would further submit that the petitioner has to engage a counsel for participating in the trial. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that it is a case of the previous offence where the petitioner, under the guise of giving lift to a 12 year



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old school girl, later took her to a secluded place and committed penetrative sexual assault on her. Apart from that, the petitioner also took a video of the incident and later threatened the victim girl stating that he would upload the obscene videos on social media, thereby compelling her to come to the same place again. He would further submit that this Court after perusing the materials available on record and also taking into consideration the gravity of the offence, had dismissed the earlier bail application. He would further submit that if the petitioner is granted bail, there is every possibility of the petitioner threatening the witnesses, and thereby he would seek for dismissal of the bail. He further submits that earlier there was no Presiding Officer in the Trial Court and now, an incharge Judge has been appointed. He further submitted that if a direction is issued, the respondent could be able to complete the trial within a specified period.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the allegations against the petitioner and taking note of the fact that the case is of grievous offence, this Court is not inclined to grant bail to the petitioner.

7. In view of the above submissions made by the learned counsel on either side, this Criminal Original Petition stands dismissed. However, direction is issued to the learned Trial Judge to complete the trial as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

31.08.2023

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