



Crl.O.P.No.24743 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner is an accused in Spl.S.C.No.25 of 2023, which is now pending before the Fast Track Court Exclusively to Deal with Offences under POCSO Act, Puducherry. Originally registered in Crime No.39 of 2016 for the offences punishable under Section 376 of IPC and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and Sections 6, 17 r/w 10 of POCSO Act, 2012. The petitioner had been remanded to judicial custody on 13.06.2023. The trial is in progress.

2.The learned counsel for the petitioner states that P.W.1 had turned hostile. It is stated that the victim had not spoken anything against the petitioner herein. But the Court wanted a status report of the stage of the case.

3.The learned counsel for the petitioner however stated that Hon'ble Supreme Court in the similar circumstances had quashed the FIR and in this connection, relied on the judgement reported in **2022**



Crl.O.P.No.24743 of 2023

LiveLaw (SC) 477 (K.Dhandapani Vs. The State by the Inspector of Police.

4.Even before proceeding further it must be stated that the Hon'ble Supreme Court had exercised the power under Article 142 of the Constitution and had quashed the case against the accused therein. The issue now before this Court is only for grant of bail and moreover Article 142 will not apply to this Court.

5.The very fact that the victim child had turned hostile also shows that there could have been influence exercised by the petitioner. At this stage, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

06.11.2023

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