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Crl.O.P.No.25810 of 2023

C.V.KARTHIKEYAN, J.

The petitioner who was arrested and remanded to judicial custody on 29.08.2023 for the offences punishable under Sections 363, 342 of IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 6 of POCSO Act, 2012 in Spl.S.C.No.16 of 2023 now pending trial before the Fast Track Court Exclusive to Deal with offences under the POCSO Act, Puducherry, connected with Crime No.58 of 2016 on the file of the respondent, seeks bail.

2. The petitioner is the sole accused and since he did not appear before the trial Court, Non-Bailable Warrant was issued on 05.03.2020 and executed only on 29.08.2023. It is stated that, if the petitioner had attended the Court regularly from the year 2016, the trial itself would have been completed and for all we know, he could have been acquitted, but still he is appearing before the Court as an accused, only because he had been absconding for three years.



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C.V.KARTHIKEYAN, J.

smv

3.It is the contention of the learned counsel for the petitioner that the petitioner had not even received summons. But once he is aware that the special sessions case is pending, it is his duty to appear before the Court. It is also seen that during the period when he was absconding, the respondent police tried to take action against the sureties under Section 446 Cr.P.C, but it was found that one surety had died and the other surety who is the father of the petitioner was also absconding.

4.Let the trial commence and proceed in manner known to law and thereafter the issue of bail can be considered. At this stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

10.11.2023

smv

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