



Crl.O.P.No.31751 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 25.05.2020 for the alleged offence under Sec.366 of I.P.C. and Sec. 5(g), 6, 8 of POCSO Act in Crime No.02 of 2020 on the file of the respondent police, pending trial in S.C.No.75 of 2020 on the file of learned Sessions Judge, Special Court for POCSO Act, Villupuram, seeks bail.

2. The case of prosecution is that on 23.05.2020, A1 had called the defaco complainant, who was aged about 18 years, through her mobile phone called her to come near the land of village to present her a chudidar and when she went there, A1 and A2 said to have committed penetrative sexual assault towards her and A3 did not commit any assault on her. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that though the occurrence said to have taken place on 23.05.2020, the



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complaint was lodged by her only on 25.05.2020 with an inordinate delay.

He would submit that he is an innocent person and he has not at all committed any offence and he is ready to abide any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 2 ½ years from 25.05.2020. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are three accused involved in this case and out of 20 witnesses, P.W.1 to 16 were examined and four more witnesses to be examined. Now, the trial is almost completed and it is at the end of stage. Hence, if he is released on bail, there is possibility of hampering the investigation and the trial would be stalled. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the fact that out of



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20 witnesses, P.W.1 to 16 were examined and only four more witnesses to be examined and the trial is at the end of stage, and also on considering the fact that there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial court is directed to complete the trial and dispose the case within a period of four weeks from the date of receipt of copy of this order.

03.01.2023

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