



Crl.O.P.No.4546 of 2024

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**C.V.KARTHIKEYAN. J.**

The petitioner / accused seeks bail in Spl.S.C.No.10 of 2023 now pending trial before the Special Court for POCSO cases, Karaikal.

2.Originally, the petitioner was arrested and remanded to judicial custody on 08.09.2023 for the offences punishable under Section 4 of POCSO Act and Section 506(ii) of IPC in Crime No.87 of 2023 on the file of the respondent.

3.This is the second application seeking bail. The earlier application seeking bail came up for consideration in Crl.O.P.No.27202 of 2023 and by an order dated 01.12.2023, the said application was dismissed. The entire order is extracted below:

*“The petitioner seeks bail in Crime No.87 of 2023, registered by the respondent police for the offences punishable under Section 4 of POCSO Act, 2012, and Section 506(ii) of IPC. The petitioner had been taken into custody on 08.09.2023.*



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*2.It is stated by the learned Additional Public Prosecutor (Puducherry) for the respondent that after investigation, final report had been filed and the same had been taken cognizance as Spl.S.C.No.10 of 2023 by the Special Court for POCSO Cases, Karaikal.*

*3.It is stated that the matter is now pending for framing of charges. The statement under Section 164(5) Cr.P.C., of the victim child had also been recorded and the same had been perused, wherein the victim child had reiterated the allegations made in the complaint. At this stage, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.”*

4.It is now stated that trial had commenced in Spl.S.C.No.10 of 2023 and the learned counsel for the petitioner also forwarded the copies of the deposition tendered by PW-1 and PW-2 and stated that both the witnesses had spoken adverse to the prosecution.

5.It is to be seen that the statement under Section 164(5) Cr.P.C.,



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had been recorded from the victim child, wherein she had reiterated the allegations stated in the complaint, consequent to which, the FIR had been registered.

6.It is thus seen that there is strong possibility of the victim child and also PW-2 being influenced and not able to depose with a free mind.

7.Taking that factor into consideration, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

8.Let trial be completed at the earliest and every endeavour be made to complete the trial on or before 30.04.2024.

14.03.2024

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