



Crl.O.P.No.14517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

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Manikandan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
AWPS West, Coimbatore,

2. Maniyarasu
[R2 impleaded as per order dated
12.09.2024 in Crl.M.P.No.12825 of 2024]

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 03.06.2024 passed in Crl.M.P.No.650 of 2024 in Crl.M.P.No.141 of 2020 in Spl.C.C.No.83 of 2020 pending on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore District.

For Petitioner : Mr.C.D.Sugumar

For R1 : Mr.S.Vinothkumar,
Government Advocate (Crl.Side)

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For R2 : No appearance



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 03.06.2024 passed in Crl.M.P.No.650 of 2024 in Crl.M.P.No.141 of 2020 in Spl.C.C.No.83 of 2020 pending on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore District.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate (Crl.Side) appearing for the official respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted the respondent police registered a case in Crime No.9 of 2019 under the provisions of POCSO Act and the same was taken on file as Spl.C.C.No.83 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. Later, the petitioner was granted bail by the trial court on 15.10.2020. Pending trial, the respondent police approached the Special Court for cancellation of bail. Without giving any reason or assigning opportunity, bail granted to the petitioner was cancelled.



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Hence, the petitioner has filed the above criminal original petition.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that most of the witnesses were examined and three witnesses are yet to be examined. Since the petitioner threatened the victim/witnesses, the respondent moved an application for cancellation of bail before the special court. If the petitioner is released on bail, there is a possibility of giving threat to the remaining witnesses. The Special Court after considering all the materials, cancelled the bail granted to the petitioner. Hence, he seeks dismissal of the petition.

5. Admittedly, the petitioner arrayed as A1 in Spl.S.C.No.83 of 2020 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. Subsequently, he enlarged on bail and he was enjoying the same for more than two years. After commencement of trial, since the petitioner caused threat to the witnesses, the respondent moved an application to cancel the bail granted to the petitioner, before the Special Court. The Special Court considered



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the same, cancelled the bail granted to the petitioner. He further submitted that another case has also filed against the petitioner for threatening the witnesses.

6. Considering the above facts and circumstances and also considering the serious nature of the offence and the allegations levelled as against the petitioner and also the fact that the petitioner is a prime accused in the gang rape case, this Court is not inclined to grant the relief as sought for by the petitioner. However, the trial court is directed to conduct day-to-day affairs/proceedings and dispose of the case in S.T.C.No.83 of 2020 within a period of two months from the date of receipt of a copy of this order.

7. In view of the above, the Criminal Original Petition is dismissed.

06.11.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Principal Special Court for Exclusive Trial of Cases under
POCSO Act, Coimbatore District
2. The Inspector of Police,
AWPS West, Coimbatore
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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