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CrI.OP.No.20360 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.20360 of 2024

M.Yasar Arafath

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ranipet AWS, Ranipet District.
(Ref.Cr.No.21 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, to direct the learned Special Court for Exclusive Trial of Cases under POCSO Act at Vellore to dispose the bail application in CrI.MP.No.1269 of 2024 dated 08.08.2024 within stipulated period of time prescribed by this Hon'ble Court.

For Petitioner : Mr.R. Sunil Kumar

For Respondent : S.Udayakumar
Government Advocate (CrI.Side)

ORDER



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The bail petition filed by the accused facing trial of offence under Sections 75, 77, 351(2) of BNS Act and Section 11(1), 12 of POCSO Act Cases been adjourned by 40 days. Therefore, the present Criminal Original Petition is filed seeking intervention of this Court to advance the hearing and dispose of the bail application within specific time.

2. The learned counsel appearing for the petitioner submits that on a false complaint, the petitioner been arrested on 23.07.2024. The victim girl/child herself has given a statement before the learned Magistrate under Section 164 of Cr.P.C exonerating this petitioner. Despite that, the bail petition filed on 08.08.2024 been adjourned to 17.09.2024. The learned Counsel further submits that inspite of specific direction by the Hon'ble Supreme Court that bail application should be considered expeditiously. The Special Court for Exclusive Trial of Cases under POCSO Act at Vellore had adjourned the bail application by 40 days.

3. The learned Government Advocate (Crl.Side) submits that due to bifurcation of the district probably the Court would have adjourned the matter for longer date. After bifurcation, POCSO Court within the jurisdiction of Vellore District has lost territorial jurisdiction over the cases within the territorial jurisdiction of Ranipet District .



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4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side).

5. Though there may be logistic issue regarding bifurcation of the territory as on date, the Special Court for Exclusive Trial of Cases under POCSO Act at Vellore have jurisdiction over the POCSO offences committed within the territorial jurisdiction of Ranipet District. Therefore, it is appropriate for the learned Judge to take up the bail application and decide it on merits without any delay, since it involves personal liberty of a person. Hence, this Criminal Original Petition is disposed of directing the Special Court for Exclusive trial of Cases under POCSO Act, Vellore to advance the hearing of Crl.MP.No.1269 of 2024 on 28.08.2024 and decide the matter on merits.

23.08.2024

Vv

Note: (i) Issue order copy today itself.

(ii) Order copy to be communicated to the Special Court for Exclusive trial of Cases under POCSO Act, Vellore today itself.



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To

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1. The Special Court for Exclusive Trial of Cases
under POCSO Act at Vellore
2. The Inspector of Police,
Ranipet AWS, Ranipet District.
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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