

**Crl.O.P.Nos.26758 & 26762 of 2024****T.V.THAMILSELVI, J.**

The petitioners, who were arrested and remanded to judicial custody on 28.01.2022, for the alleged offences punishable under Sections 370, 370(A), 372, 373, 343, 376(D), 506(ii) of IPC r/w Sec. 34 of I.P.C. r/w Section 66E of Information Technology Act, 2009 and Sections 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012, pending trial in Spl.S.C.No.77 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Chengalpattu, in connection with Crime No.1 of 2022, seek bail.

2. The case of prosecution is that the petitioners along with other accused said to have induced the minor victim girls, who hail from the states of Tripura and Kolkata under the guise of getting a job and forcefully indulged them in prostitution. Further, they alleged to have have brutally assaulted them with belt, wooden logs and knife and also taken their obscene photos and videos. Hence, the complaint was registered against the petitioners.



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3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case as if they brought the victim girls by giving false promise of getting job in beauty parlour and they have harassed them and also committed penetrative sexual assault on the victim girls and taken their obscene photos and videos. In fact, there is no specific allegation attributed against them and they are no way connected with the alleged offence and they have been suffering incarceration from 28.01.2022 for more than 2 years and 10 months. He also submitted that the investigation in this case has been completed and charge sheet was also filed and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection for granting bail to the petitioners stating that the accused, induced the minor victim girls, who hail from the states of Tripura and Kolkata, under the guise of getting a job, and forcefully



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indulged them in prostitution. Further, the accused have brutally assaulted them with belt, wooden logs and knife and also taken their obscene photos and videos, thereby, the case in Crime No.1 of 2022 has come to be registered by the respondent Police. He would submit that investigation was completed and a charge sheet was filed and the case was taken on file in Spl. S.C.No. 77 of 2023 is pending before the Sub-Court, Chengalpet. He would submit that there are four accused involved in this case, in which A1 is a lady and the petitioners are arrayed as A2 and A3 in this case and the case was now posted for 313 questioning. He would further submit that four victim girls were secured and their statement under Section 164 Cr.P.C., has also been recorded from them. Further, the applications for bail filed by the co-accused have also been dismissed by this Court on 16.07.2024 with a direction to the learned trial Judge to complete the trial as early as possible. He also submitted that if the petitioners are released on bail, there is every possibility of absconding and and they would hamper the investigation as well as tamper the witnesses. He would also submit that the petitioners have not engaged the counsel for conducting the case.



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5. Taking into consideration the facts and circumstances of this case and the submissions made by the learned Government Advocate (Criminal Side) and taking note of the fact that there are four accused in this case, in which A1 is a lady and the petitioners herein are arrayed as A2 and A3 and the fact that the charge sheet has been filed in this case and it was taken up for trial in Spl.S.C.No.77 of 2023 pending trial on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, and now the case stands posted for 313 questioning and also considering the nature and the gravity of the offence committed by the petitioners, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed. However, if the petitioners have not engaged the counsel to conduct the trial, the trial court is directed to appoint a Legal Aid Counsel for them and to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order

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