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Crl.OP.No.10828 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN
Crl.O.P.No.10828 of 2025

Om Prakash @ Barailli @ Kallu

Petitioner(s)

Vs

State Rep. by, Inspector of Police,
CBCID ATC (Wing) Police Station,
Chennai.
(Spl.SC.No.55 of 2021)

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending in
Spl.S.C.No.55 of 2021 on the file of the Special Court for Exclusive Trial of
POCSO Act at Chennai.

For Petitioner : Mr.R.Thirugnanam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.Side)

ORDER

The petitioner, who is facing trial for the offence under Sections 366



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of IPC and Sections 4 r/w 17 POCSO Act, 2012 in Spl.S.C.No.55 of 2021 on the file of the Special Court for Exclusive Trial of POCSO Act at Chennai in Crime No.1 of 2016, seeks bail. The petitioner who was on bail did not appear before the Trial Court and NBW was issued on 01.06.2017 and the same was executed on 23.02.2025.

2. The learned counsel for the petitioner would submit that the case against the co-accused were split up and some of the accused were convicted and some of them were acquitted and considering the petitioner is in custody from 23.02.2025, he may be released on bail.

3. Per contra, the learned Government Advocate (Crl. Side) vehemently opposed for grant of bail and submitted that the petitioner has absconded for nearly 7 years and the trial will be completed within a period of two months.

4. Considering the aforesaid facts and the gravity of the offence, the petitioner was absconding for nearly seven years, this Court is not inclined to entertain the bail petition at this stage. However, the petitioner cannot be



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incarcerated continuously for an indefinite period without conclusion of the trial. Hence the learned Special Judge, Special Court for Exclusive Trial of POCSO Act at Chennai is directed to conclude the trial in Spl.S.C. No.55 of 2021 as expeditiously as possible. If the trial is not concluded within a period of three (3) months, the petitioner is at liberty to renew the above petition.

5. With the above observations, this Criminal Original Petition is dismissed.

15.04.2025

Index : Yes / No
rkp

To

- 1.The Inspector of Police,
CBCID ATC (Wing) Police Station,
Chennai.
2. The Special Judge,
Special Court for Exclusive Trial of POCSO Act at Chennai
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



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SUNDER MOHAN, J.

rkp

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