



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.8904 of 2025

D.Ellappan

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.

(Crime No.22 of 2021)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Spl.S.C.No.116 of 2022 on the file of the learned Sessions Judge, Special Court for POCSO Act, Villupuram.

For Petitioner : Mr.S.V.Karthikeyan

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

ORDER

The petitioner, who is facing trial for the offence of girl missing and



the same was altered to Sections 366, 342, 354A, 323, 346, 376(2)(k), 117, 508, 506(2) of IPC and Sections 5(1), 6, 7 and 8 of POCSO Act in Spl.S.C.No.116 of 2022 on the file of the learned Sessions Judge, Special Court for POCSO Act, Villupuram and remanded to judicial custody on 31.12.2021, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused had kidnapped the minor victim girl and committed rape on her. Hence, the case.

3.This is the third bail application filed by the petitioner. Though the earlier bail application was dismissed by my learned predecessor, Hon'ble Justice G.K.Ilanthiraiyan, the matter is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in CrI.O.P.No.31787 of 2024 on 04.03.2025.

4.The learned counsel for the petitioner would submit that the victim girl and other crucial witnesses were already examined and there is no possibility of tampering of the witnesses and considering the period of



incarceration, he may be released on bail.

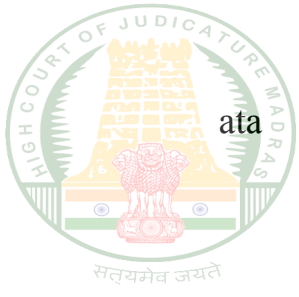
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5.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and on instruction would submit that the trial is in progress and is likely to be completed in the near future; that the earlier bail application was dismissed by this Court considering the fact that the petitioner has committed a very serious and heinous offence against the minor victim girl repeatedly.

6.It is seen that the allegations against the petitioner are serious in nature. At the same time, the petitioner cannot be kept in incarceration for an indefinite period, without conclusion of the trial. Hence, the Trial Court is directed to conclude the trial as expeditiously as possible. If the trial is not completed within a period of three months, the petitioner is at liberty to renew the bail application.

8.With the above observations, these Criminal Original Petition is disposed of.

26.03.2025



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SUNDER MOHAN, J.

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