



Crl.O.P.No.5477 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.03.2025

PRONOUNCED ON : 17.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5477 of 2025

Yogeswaran ... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Vandavasi South Police Station,
Vandavasi.
(Crime No.261 of 2023).

... Respondent/Complainant

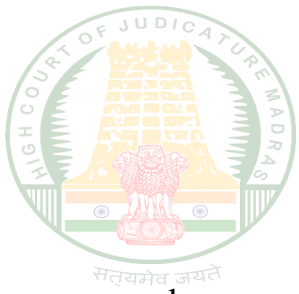
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail pending trial in Spl.SC.No.1 of 2024 on the file of Special Court (for POCSO Cases), Tiruvannamalai at Tiruvannamalai District in the interest of justice.

For Petitioner : Mr.R.Vijaya Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/Accused,



Crl.O.P.No.5477 of 2025

who was arrested and remanded to judicial custody on 25.09.2023, seeking bail in Crime No.261 of 2023 registered for the offence under Sections 363, 366, 302, 376(2)(N) IPC Sections 5(1) r/w 6 of POCSO Act, 2012.

2. It is the case of the prosecution that the petitioner is aged 22 years and the victim is aged 15 years; that the victim was found missing on 23.09.2023 and a case was registered for girl missing; that later, it was found that the petitioner had abducted the victim, committed penetrative sexual assault and thereafter caused her death.

3. This is the fourth bail application. The third bail application was dismissed on 07.11.2024 by Hon'ble Mrs.Justice T.V.Thamilselvi, by making the following observations:

“5. On considering the above facts and circumstances and on seeing the conduct of petitioner, it reveals the fact that he kidnapped victim girl and committed penetrative sexual assault on her and murdered her by strangulating her neck with shawl, so on considering the gravity of offence committed by him and the fact that the investigation was completed and charge sheet was filed in S.C.No.1 of 2024 and now the trial was commenced and so far P.W.1 to P.W.3 were examined and the case is now posted for examination of L.W.4 to 7 and at this stage, if he is released on bail, there is possibility of tampering evidence and hampering investigation and also the



Crl.O.P.No.5477 of 2025

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fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.”

3. (i) The learned counsel for the petitioner submitted that the petitioner is in custody from 25.09.2023; that the allegation of sexual assault prior to causing death, is not established; that the case is based on circumstantial evidence; and that there is no evidence to show that the petitioner has caused the death of the victim girl and the entire case has been projected as if the petitioner had committed sexual assault and caused the death of the victim child.

(ii) The learned counsel further submitted that since the trial is yet to be concluded and also considering the period of incarceration, the petitioner may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the case of the prosecution and on instructions submitted that almost 23 witnesses out of 30 witnesses have been examined; that the case is adjourned to 20.03.2025 for examination of LW24 and LW25; the trial is likely to be concluded in the near future; and that considering the fact that this



Crl.O.P.No.5477 of 2025

the fourth bail application, prayed for dismissal of the petition.

5. Though the learned counsel for the petitioner submitted that the allegation of sexual assault has been wrongly projected by the prosecution and there are material contradictions in the evidence which would prove the innocence of the accused, considering the fact that the trial is nearing completion and that this is the fourth bail petition, this Court is not inclined to consider the request for bail. However, considering the period of incarceration the learned trial Judge is directed to expedite the trial and conclude it within a period of two months from the date of receipt of a copy of this order.

6. With the above observations, the petition is dismissed.

17.03.2025

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Crl.O.P.No.5477 of 2025

SUNDER MOHAN., J.

ars

To

1. The Special Court (for POCSO Cases),
Tiruvannamalai at Tiruvannamalai District.
2. The Inspector of Police,
Vandavasi South Police Station, Vandavasi.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.5477 of 2025

17.03.2025