



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13691 of 2025

Thandapani

...Petitioner/Accused

Vs.

The State of Tamilnadu rep by
The Inspector of Police,
All Women Police Station-Thirukoilur,
Kallakurichi District.
(Crime No.11 of 2022)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.11 of 2022 on the file of the respondent police.

For Petitioner : M/s.R.Raji

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.06.2022, seeking bail in Crime No.11 of 2022 registered for the offences under Sections 328, 342, 506 (ii), 354 A, 354 C of I.P.C. r/w 5 (j) (ii), 5 (i), 6, 5, 5 (j) (i) of POCSO



Act, r/w. Section 4 of TNWH Act r/w Section 66 E IT Act.

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2.It is the case of the prosecution that the petitioner, who is aged about 63 years and the victim girl, who is aged about 15 years are neighbors; that the petitioner had committed penetrative sexual assault on the victim girl and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the petitioner is in judicial custody from 22.06.2022; that considering the period of incarceration; that the nature of allegations and that there is no possibility of completing the trial in the near future, he may be released on bail.

4.Per contra, the learned Government Advocate (Criminal Side) reiterated the prosecution case and submitted that since the petitioner had committed sexual assault on the victim girl, she delivered a child and that the DNA of the child matched with that of the petitioner, that the trial has now commenced and at this stage, the petitioner should be released on bail.

5.Heard the learned counsel on either side and perused the materials



available on record.

WEB COPY 6.This Court had perused the statement of the victim girl which confirms the prosecution case.

7.Though the petitioner is in custody from 22.06.2022, considering the stage of trial and the nature of allegations, this Court is not inclined to grant bail at this stage. At the same time, the petitioner cannot be incarcerated indefinitely without trial. Accordingly, this Court directs the trial Court to conclude the trial as expeditiously as possible. If the trial is not completed within a period of six months, the petitioner shall be at liberty to renew the bail petition.

8.Accordingly, this Criminal Original Petition is disposed of.

29.04.2025

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Copy to:

The State of Tamilnadu rep by
The Inspector of Police,
All Women Police Station-Thirukoilur,
Kallakurichi District.

2.The Principal District and Session Judge, Kallakurichi.

3.Central Prison, Cuddalore.

4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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