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Crl.O.P.No.15432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15432 of 2025

Anandakumar

... Petitioner/Accused

Vs.

The State of Tamil Nadu,
Rep. by its Inspector of Police,
W-16 AWPS Pulianthope.
(Crime No.07/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending trial in Spl.S.C.No.305 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.N.S.Siva Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2024, for the offence punishable under Sections 5(l), 5(n) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.07 of 2024, registered on the file of the respondent, seeks bail.



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2. The petitioner/Accused facing trial in Spl.S.C.No.305 of 2024 submits that the petitioner was arrested, and the complaint on the allegation that the petitioner had committed forcible penetrative sexual assault on the victim.

3. The contention of the petitioner is that the victim had given two 164 statements in this case. One was on 10.06.2024, and the second was on 23.08.2024. Both the statements are contradictory to each other, and the victim girl had animosity against the petitioner since the petitioner restricted her movement, and he was a strict person and also beat her sometimes. In this background the allegations are made. He further submits that the medical record is also in support of the petitioner and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that in this case, the victim is none other than the daughter of the petitioner, who had given 164 statements on two occasions confirming that it is the petitioner/Accused, the father of the



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victim, who had committed penetrative sexual assault. It is seen that the petitioner and the victim girl are in contradictory positions and also give statements. The medical records confirmed that the hymen of the victim girl was not intact, and for this the petitioner is unable to give any explanation. Furthermore, the victim has recently attained puberty. The points raised by the petitioner are all factual, which are to be considered only during trial, and *prima facie* there is material against the petitioner.

5. Considering the facts and circumstances of the case and submissions made by the learned counsels on either side, this Court is not inclined to grant bail, and the **Trial Court is directed to expedite the trial and conclude the trial within a period of six months from the date of this order.**

6. With the above observations and direction, **this criminal original petition stands dismissed.**

09.06.2025

cda

M.NIRMAL KUMAR, J.

cda



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To

- 1.The Sessions Judge and Special Court for Trial of Exclusive Cases
in POCSO Act, 2012, Chennai.
- 2.The Inspector of Police,
W-16 AWPS Pulianthope.
- 3.The Central Prison-II,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

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