



Crl.A.No.501 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.501 of 2025

Mageshwari

... Appellant

Vs

1.The State Rep by

Assistant Commissioner of Police (EDF-II),
Central Crime Branch,
GCP, Chennai.

2.Sharfudeen

[R2 impleaded as per order dt.26.06.2025 made in
Crl.M.P.No.12331 of 2025 in Crl.A.No.501 of 2025]

... Respondents

Prayer: Criminal Appeal filed under Section 483 of BNSS, pleaded to set aside the order in Crl.M.P.No.456 of 2025 dated 08.04.2025 and enlarge the appellant on bail pending trial in Spl.S.C.No.28 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai.

For Appellant : Mr.S.Ashok Kumar
for M/s.R.Murugan

For Respondents : Mr.S.Raja Kumar
Additional Public Prosecutor [R1]



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JUDGMENT

WEB COPY This Criminal Appeal has been preferred as against the order dated 08.04.2025 passed in Crl.M.P.No.456 of 2025 on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, thereby dismissing the petition for bail.

2. The case of the prosecution is that on the complaint received from the 2nd respondent, who is the house owner of the premises situated at Door No.7, S1, Eden Garden Castle, 2nd Floor, Sadhasiva Metha Nagar, Aminjikarai, Chennai, the Inspector of Police, Central Crime Police Station, EDF-II, Vepery, Chennai registered an FIR in Crime No.652 of 2024 for the offence punishable u/s 194 BNSS, alleging that the deceased victim, aged about 14 years, was employed as a babysitter to look after the male child of A1 and A2. Whiles, the minor girl was found dead in the locked premises and after breaking open the door of the premises, the body of the deceased was retrieved from the bathroom with external injuries all over her body. During the investigation, it was found that there are totally six accused in which A1 and A2 are the husband and wife, A5, who is the appellant herein is the servant-maid of



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A1 and A2, A6 is the sister of the A2 and the deceased belonged to Arunthathiyar community. One and a half years before the date of occurrence, the deceased was engaged by A1 and A2 to look after their 3-1/2 years old male child. After attaining the puberty, the A2 and A3 had committed penetrative sexual assault on the minor victim girl by threatening her. All the accused had also heavily beaten the minor victim girl and thereby, had caused injuries all over her body.

3. While being so, on 21.09.2024, A1 and A2 attacked the deceased with PVC pipe and caused injuries. Immediately, she was admitted in the hospital on the ground that she was beaten by her father. Thereafter, A1 and A4, suspecting that the victim girl had sexual relationship with A2 and A3, attacked her with iron rod. They had also inserted some instruments into her private part and had caused immense torture to the victim. Thereafter, on 31.10.2024, A2 and A3 had committed penetrative sexual assault on the mouth and vagina of the deceased. Thereafter, they attacked her with all deadly weapons on her entire body and also shut her mouth by towel and poured water on her head and also caused injuries with cigarette and other weapons, due to



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which, she sustained grievous injuries and eventually died. Thereafter, they put her body into the bathroom and locked the premises and went away. After registration of FIR, all the accused persons including the appellant herein were arrested and remanded to judicial custody on 03.11.2024. After completion of investigation, the law enforcing agency altered the provisions into Sections 61(2) r/w 103(1) BNS, 5(1) r/w 6(1) of POCSO Act, 3(2)(v) SC/ST Act and the same was taken cognizance on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. Thereafter, the appellant filed a bail application before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in C.M.P.No.456 of 2025 and the same was dismissed vide order dated 08.04.2025. Hence, the appellant has filed the present appeal seeking bail.

4. The learned counsel appearing for the appellant would submit that the appellant is an innocent person and she has nothing to do with the alleged offence. Further, he submitted that the appellant has worked only as a cook in the house of A1 and A2. In order to harass the appellant, the present false case has been foisted against her. Further,



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now the investigation is completed and final report was also filed.

Therefore, there is no question of further investigation. Though the law enforcing agency specifically contented that videograph, which was seized from A1, contains participation of the appellant in the murder of the victim, so far, the prosecution failed to produce the same before the Trial Court. Therefore, he prays for granting bail to the appellant.

5. The learned Additional Public Prosecutor appearing for the 1st respondent filed the counter affidavit and submitted that already this Court had dismissed the appeals filed by A1 and A2 seeking bail in Crl.A.Nos.512 and 515 of 2025 vide judgment dated 05.06.2025. Further, he submitted that all the accused have tortured the victim by pouring water on her head and murdered her after committing penetrative sexual assault on her. Though initially a final report was filed and the same was taken cognizance, further investigation is still in progress. He further submitted that the appellant had committed very serious and heinous offence as against the minor victim girl. Therefore, the Trial Court has rightly dismissed the application for bail, which does not warrant any interference at the hands of this Court.



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6. Heard the learned counsel appearing for the appellant and the learned Additional Public Prosecutor appearing for the 1st respondent and also perused the materials available on record.

7. Admittedly, the appellant is arrayed as A5 in this case. She served as a servant maid in the house of A1 and A2 and also joined with the other accused and indulged in chronic physical assault of the deceased victim by taking advantage of the communal and economical background of the deceased victim. Further, she also concealed the rape and murder of the deceased victim even though she had absolute knowledge that the deceased victim was subjected to sexual assault by A2 and A3. It is pertinent to note that a mobile phone was seized from A1 and the same contains incriminating evidence against the appellant. All the accused persons having been involved in the commission of alleged offence, paved way to inhumane, barbaric and heinous assault against the deceased victim, who was aged only about 14 years and belongs to Scheduled Caste Adi Dravidar community. Therefore, the Trial Court rightly dismissed the bail application filed by the appellant.



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8. In view of the above, this Court finds no infirmity or illegality in the order dated 08.04.2025 in Crl.M.P.No.456 of 2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

9. Accordingly, the Criminal Appeal is dismissed. The 1st respondent is directed to complete the entire investigation and file the additional final report, if any, along with all the reports, within a period of eight (8) weeks from the date of receipt of a copy of this judgment.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
WEB COPY

- 1.The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,
Chennai.
- 2.The Assistant Commissioner of Police (EDF-II),
Central Crime Branch,
GCP, Chennai.
- 3.The Superintendent,
Central Prison,
Chennai.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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