



Crl.RA.Nos.512 & 515 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

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

Crl.A.Nos.512 and 515 of 2025

Mohamed Nishad

... Appellant in
Crl.A.512 of 2025

Nivetha @ Naziya

... Appellant in
Crl.A.515 of 2025

Vs

1. The State Rep By Its
Inspector of Police
Central Crime Police Station
EDF-II, Vepery
Chennai
(Crime No.652/2024)

2. M.Sharfudeen.

.... Respondents
in both the appeals

PRAYER in Crl.A.No.512 of 2025: Criminal Appeal is filed under Section 374(2) of Cr.P.C / 415 of BNSS, 2023, to set aside the order made in Crl.M.P No.246 of 2025 dated 28.02.2025 and enlarge the petitioner on bail, pending trial on the file of the learned Special Court for Exclusive Trial of Case under POCSO at Chennai in Spl.S.C.No.28/2025, the appellant of the above appeal.



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PRAYER in Crl.A.No.515 of 2025: Criminal Appeal is filed under Section 14(a)(2) of SC/ST Act, to set aside the order made in Crl.M.P No.681 of 2025 dated 15.05.2025 and enlarge the petitioner on bail, pending trial on the file of the learned Special Court for Exclusive Trial of Case under POCSO at Chennai in Spl.S.C.No.28/2025, the appellant of the above appeal.

In both appeals

For Appellants	:	Mr.C.D.Johnson
For R1	:	Mr.S.Raja Kumar
		Additional Public Prosecutor
For R2	:	No Appearance

COMMON ORDER

These two Criminal Appeals have been filed as against i) order dated 28.02.2025 made in Crl.M.P No.246 of 2025 and ii) order dated 15.05.2025 made in Crl.M.P No.681 of 2025 on the file of the learned Special Court for Exclusive Trial of Case under POCSO at Chennai in Spl. SC.No.28/2025, thereby dismissed both the applications for bail in Crime No.652 of 2024 on the file of the 1st respondent.

2. Heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the first respondent and perused the materials available on record.



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3. The case of the prosecution is that on the complaint

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received from the house owner of the premises situated at Door No.7, SI Eden Castile , Aminjikarai, Chennai, the 1st respondent registered a FIR in Crime No.652 of 2024 for the offence under Section 194 of BNS alleging that one Arunthadhi, aged 14 years, was employed as a baby sitter for the 1st and 2nd accused to look after their male child namely, Mohammed Esha aged about 3-1/2 years; while so, 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 bath room with external injuries all over her body. During the investigation, it was found that there are totally six accused in which the 1st and 2nd accused are the husband and wife, the 5th accused is the servant-maid of the 1st and 2nd accused, the 6th accused is the sister of the 2nd accused and the deceased belonged to Arunthathiyar community. One and a half years before the date of occurrence, the deceased was engaged by the 1st and 2nd accused to look after their 3-1/2 years old male child. After attaining the puberty, the 2nd and 3rd accused 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.



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4. While being so, on 21.09.2024, the 1st and 2nd accused

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, the 1st and 4th accused, suspecting that the victim girl had sexual relationship with 2nd and 3rd accused, 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, the 2nd and 3rd accused had committed penetrative sexual assault on the deceased mouth and vagina. 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 which she sustained grievous injuries and eventually died. Thereafter, they put her body into the bathroom and locked the premises and went away. After completion of investigation, the 1st respondent altered the provisions into Sections 238(a) r/w 103(1) of BNS, 6 r/w 17 of POCSO Act, 75 of JJ Act, 3(2)(v) of SC/ST Act, 3(1)(w)(i) of SC/ST Act, 118(1) BNS, 101, 103(1) r/w 49 of BNS and the same was taken cognizance on the file of the Special Court for Exclusive Trial of Case under POCSO at Chennai.



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5. The learned counsel for the appellants would submit that

the appellant in Crl.A No.512 of 2025 is arrayed as A2 and the appellant in Crl.A.No.515 of 2025 is arrayed as A1 and they both have a male child who is aged 3-1/2 years and no one was there to look after their child. That apart, the deceased died due to consumption poison and a false case has been foisted against the appellants. Hence, he prays to grant bail to the appellants.

6. The learned Additional Public Prosecutor produced the post-mortem report before this Court. It revealed that there are 24 injuries found on the body of the deceased and all the accused have tortured her by pouring water on her head and murdered her after committing penetrative sexual assault on her. They opined that the cause of the death is "shock of haemorrhage and multiple injuries sustained by the deceased". Though initially a final report was filed and the same was taken cognizance, further investigation is still in progress. The appellants in both the appeals have committed very serious and heinous offence as against the minor victim girl. Therefore, the trial Court has rightly dismissed the applications for bail.



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7. In view of the above, this Court finds no infirmity or

illegality in the i) order dated 28.02.2025 in Crl.M.P No.246 of 2025 ii) order dated 15.05.2025 in Crl.M.P No.681 of 2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Case under POCSO at Chennai.

8. Accordingly, both the Criminal Appeals stand dismissed.

05.06.2025

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

1. The Sessions Judge, Special Court for Exclusive Trial of Case under POCSO at Chennai.

2. Inspector of Police
Central Crime Police Station
EDF-II, Vepery
Chennai

3. The Central Prison at Puzhal, Chennai.

4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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