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CrI.O.P.No.18261 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18261 of 2025

Mahendra Sunar

... Petitioner/Accused

Vs

The State Rep by
The Inspector of Police,
W-1 AWPS Thousand Lights Police Station,
Chennai.
(Crime No.11 of 2024)

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
Crime No.11 of 2024 on the file of the respondent police.

For Petitioners : Ms.S.Vedavalli

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.10.2024, for the offences punishable under Sections 9(I), 9(n), 10, 5(I), 5(n) r/w 6 of the POCSO Act and Section 351(3) of BNS, 2023 in connection with Crime No.11 of 2024, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner being the father of the victim girl forcibly had a sexual intercourse with her from her childhood and threatened her not to disclose the same. Hence, the case.

3. The contention of the learned counsel for petitioner is that the petitioner is in prison for more than 8 months. The petitioner has been falsely implicated in this case. The petitioner has got misunderstanding with his wife. They had a strained relationship. The petitioner's wife using her daughter had projected the case as though the petitioner had committed penetrative sexual assault on the victim girl. They have ensured that



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petitioner is confined in prison so that her wife can have her own way of life.

In this case, so far investigation is still pending and the petitioner has been endlessly detained in prison. He further submitted that the trial Court is giving long adjournments. In fact, Spl.S.C.No.304 of 2024 has been posted for trial to 25.08.2025 (after 2 months). Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case the victim girl, who is aged about 16 years, had clearly deposed about her father committing sexual assault on her right from her 7 years of age by making inappropriate touch on her breast and her private parts which he continued at the age of 11 years. After she attained puberty, he continued to commit penetrative sexual assault, which he has been continuing till date. He threatened the victim girl that if she discloses the act of the petitioner, she would be sent back to Nepal. Further the learned Additional Public Prosecutor produced a letter written by



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the victim, wherein she again narrates the entire facts of the case. She submits that the petitioner recently called the victim's mother in her mobile and threatened them to take immediate steps to take him out on bail, otherwise their life would be in danger. The victim also strongly opposing for granting bail to the petitioner. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side and on perusal of the material it is seen that in this case investigation completed, charge sheet filed and the case is posted for trial. Since the victim has got serious apprehension for life, this Court is not inclined to entertain this bail petition.

7.The trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order. Further the trial Court is also advised not to give long adjournments, giving long



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adjournments is not appreciated. The trial Court shall drag out a schedule and complete the trial without further delay.

8. With the above direction, the Criminal Original Petition is dismissed.

25.06.2025

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To:

1. The Special Court for Exclusive Trial of Cases under
POCSO Act, Chennai.

2. The Inspector of Police,
W-1 AWPS Thousand Lights Police Station,
Chennai.

3. The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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