



Crl.O.P.No.20387 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20387 of 2025

Jayasankar

.. Petitioner

Vs.

State rep by
The Inspector of Police,
AWPS Harur,
Dharmapuri District
Crime No.11 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in Crime No.11 of 2025 on the file of the respondent police.

For Petitioner : Mr. S.Sivagurunathan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2025, for the offence punishable under Sections 5(1), 5(j)(ii), 6(1) of POCSO Act and Sections 9 & 10 of Prohibition of Child Marriage Act in Crime No.11 of 2025 on the file of the respondent, seeks bail.



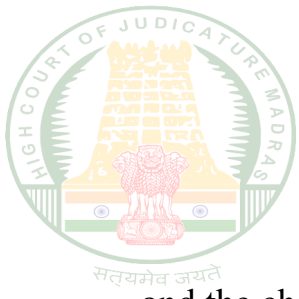
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2. The case of the prosecution is that the petitioner/Accused-3 had threatened the victim girl and had forcible physical relationship with her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is not the reason for the pregnancy of the victim girl. He has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 05.04.2025. He further submitted that 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 the petitioner was arrested on 05.04.2025. He also submitted the victim was found pregnant, which has been confirmed by the Doctor and it has been aborted. The foetus has been sent for a DNA test, and blood samples are taken from the petitioner. The investigation has been completed



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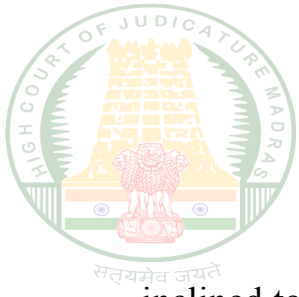
and the charge sheet was also filed.

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

6. On perusal of the materials available, it is seen that petitioner is the Accused-3 had filed bail application on the ground that there are three Accused in this case. The foetus has been sent for DNA test as well as the blood samples of the three Accused has been taken. The victim had admitted that she had love affair with Accused-1 and thereafter, developed relationship with Accused-2, since Accused-2 is a married man, she discontinued relationship but she continued relationship with the petitioner. Now, the investigation has been completed and charge sheet filed. The Public Prosecutor had raised similar grounds earlier and in the bail application in Crl.O.P.No.15468 of 2025, this Court by order dated 09.06.2025, considering all these aspects had dismissed the bail application giving liberty to the petitioner that, in the event of the DNA test excludes the petitioner, he can renew the bail application. DNA test report is yet to be received.

7. Considering the facts and circumstances of the case, this Court is not



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inclined to grant the relief sought for. Accordingly, the Criminal Original Petition is dismissed.

06.08.2025

To

1. The Sessions Judge,
Special Court for Exclusive trial of Cases under POCSO Act,
Dharmapuri
2. Inspector of Police,
AWPS, Harur,
Dharmapuri District
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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