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Crl.O.P.No.20047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20047 of 2025

Pavulpeter

... Petitioner/Accused

Vs

State Represented by
Station House Officer,
AWPS – Ulundurpet,
Kallakurichi District.
(Crime No.24 of 2024)

... Respondent

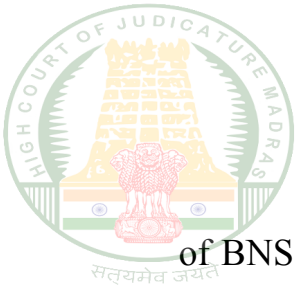
Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in connection with Crime No.24 of 2024 on the file of the respondent Police.

For petitioner : Mr.A.Gowtham

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.11.2024, for the offences punishable under Sections 126(2), 351(2), 332(c)



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of BNS r/w Sections 5(k), 6 of POCSO Act in connection with Crime No.24

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of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the de-facto complainant's daughter, who is aged about 16 years, is a deaf and dumb. When the de-facto complainant/victim's mother went for agricultural work, the petitioner entered into the victim's house and sexually assaulted her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is a money lender. The victim's mother borrowed money from the petitioner, which she failed to repay. The petitioner had demanded the same. Hence, a false case has been projected as though the petitioner had committed penetrative sexual assault on the victim, who is a deaf and dumb. Hence, prayed for bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police produced the statement under Section 164 of Cr.P.C.



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recorded from the victim. Since the victim is with mental disability, her statement has been recorded with the aid of Special Educator. In her 164 statement, the sexual assault committed by an elderly person has been clearly narrated by the victim. In view of the victim being mentally challenged person and she has also having locomotive problem, this Court had not considered the petitioner's plea earlier and dismissed the bail petition on 13.06.2025. Now the petitioner's contention that the charge sheet filed in Spl.S.C.No.62 of 2025 and he is in prison for 254 days, is not the reason to grant bail. On the other hand the victim to be examined shortly, if granted bail, there is every likelihood of witnesses being threatened and coerced. Hence, he strongly opposed for granting bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and the Criminal Original Petition is dismissed.

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M.NIRMAL KUMAR, J.

rsi

To:

1.The Principal Sessions Judge,
Kallakurichi.

2.The Station House Officer,
AWPS – Ulundurpet,
Kallakurichi District.

3.The Public Prosecutor,
High Court Madras.

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