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Crl.O.P.No.20315 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.07.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20315 of 2025

Prabu D

... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Gobi All Women Police Station,
Erode District.
(Crime No.7 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail pending investigation in connection with Crime No.7 of 2025 on the file of the respondent Police.

For petitioner : Ms.Amala Ananthi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2025, for the offences punishable under Sections 5(l), 5(j)(ii), 6 of

1/6



Crl.O.P.No.20315 of 2025

Protection of Children from Sexual Offences Act, 2012 in connection with
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Crime No.7 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner, who is the biological father of the victim girl, had committed penetrative sexual assault on the victim, thereby, she became pregnant. Hence the case.

3.The contention of the learned counsel for petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Initially, the victim girl stated that one unknown person wearing mask had committed aggravated penetrative sexual assault on her and later during enquiry, she changed her version and stated the name of the petitioner, who is her father. The DNA test result is awaited. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the



CrI.O.P.No.20315 of 2025

WEB COPY

petitioner, who is the biological father of the victim, had committed penetrative sexual assault on her. Due to which, she became pregnant.

Thereafter, fetus was aborted and awaiting for DNA test result.

5.Considering the submissions made on either side and on perusal of the material, it is seen that in this case FIR registered on 03.03.2025 and victim gave her statement under Section 164 Cr.P.C. on 12.05.2025. In the earliest complaint, the victim disclosed as though some unknown masked person committed penetrative sexual assault on her. But in her statement under Section 164 Cr.P.C., she gives a different version stating that the petitioner, who is her biological father, had committed penetrative sexual assault on her. The victim was conceived, fetus aborted and the same was sent for DNA test and blood samples were taken from the petitioner. Since diametrically opposite version given between the date of complaint and the date of statement under Section 164 Cr.P.C., a doubt is caused on it. Further, it is seen that during the period from 03.03.2025 to 12.05.2025, the victim



CrI.O.P.No.20315 of 2025

was residing along with her parents, i.e, mother and father/petitioner.

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However, from the Accident Register copy and medical examination report it is seen that the victim has clearly stated that her father/petitioner had committed penetrative sexual assault on her. The question as to whether penetrative sexual assault committed by an unknown masked person as per the complaint or by the petitioner, is to be confirmed only after DNA test result.

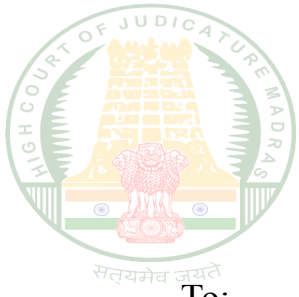
6.In view of the same, this Court is not inclined to entertain this bail petition and the same is dismissed. The petitioner is at liberty to revive his bail application after the DNA test result.

18.07.2025

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Index: Yes/No

Internet : Yes/No



CrI.O.P.No.20315 of 2025

To:
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1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Erode.

2.The Inspector of Police,
Gobi All Women Police Station,
Erode District.

3.The Public Prosecutor,
High Court Madras.



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Crl.O.P.No.20315 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.20315 of 2025

18.07.2025