



CRL.O.P.No.21409 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21409 of 2025

Velmurugan

... Petitioner

Vs

State represented by
The Inspector of Police,
AWPS Koyambedu,
Chennai.
(Crime.No.17 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Spl.S.C.No.89 of 2025, pending trial on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act.

For Petitioner : Mr.D.Muralidharan
for M/s.Murali Law Firm

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.12.2024, for the offence punishable under Sections 5(i), 5(j)(ii) r/w 6 of POCSO Act, 2012 and Section 506(1) of IPC @ 5(i)(n)(i)(ii)(i) r/w 6 of POCSO Act, 2012 and Section 506(1) of IPC in Crime No.17 of 2024, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that defacto complainant lodged a complaint against one Tarun, who is alleged to have sexual intercourse with the minor victim girl. Due to which, the victim girl became pregnant and subsequently, delivered a child. 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. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 07.12.2024. 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.



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

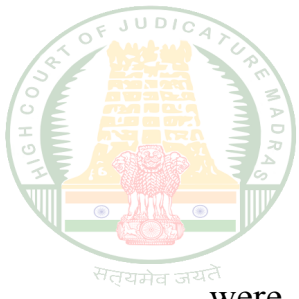
5. On perusal of the materials available on record, it is seen that the primary contention of the petitioner is that in this case, the DNA report has not been properly examined and based on such an improper report, the petitioner has been falsely implicated. It is submitted that the petitioner was arrested on 07.12.2024 and now, he is in judicial custody. In this case, investigation has been completed and charge sheet has been filed in Spl.S.C.No.89 of 2025. The learned counsel for the petitioner, referring to medical records and statement recorded under Section 164 Cr.P.C, which prima facie appear to be in favour of the petitioner, prayed for grant of bail. He further referred to first 164 statement of the victim girl dated 02.12.2024 wherein she had not stated anything with regard to the commission of penetrative sexual assault. He further submits that petitioner is incapable of committing penetrative sexual assault and moreover, the DNA test is not proper as it was based only on 15 STR loci instead of 23 which ought to be considered.



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6. The learned Government Advocate (Crl.side) for the respondent police, by referring to the first statement recorded from the victim girl under Section 164 of Cr.P.C, submitted that it is evident from her statement that the victim has been given juice laced with sedatives. After consuming the same, she lost her consciousness, upon regaining it, she had disclosed that she had been completely undressed which is a fact against the petitioner. Further, it is submitted that the petitioner, aged about 36 years, was regularly meeting the victim and in the second 164 statement recorded from the victim girl, she had disclosed about the petitioner. It is also contended that the victim became pregnant and subsequently, delivered a child and the DNA test confirms that the petitioner is the reason for her pregnancy. With regard to the petitioner's contention that the samples were taken on 06.01.2025, collected by Investigating Officer on 07.01.2025 and the same was reached FSL lab on 17.02.2025, it is submitted by the learned Government Advocate (Crl.side) that the blood samples were taken on 06.01.2025 and the same has been collected by Investigating Officer on 07.01.2025. Referring to the forensic report, it is clear that the DNA- sealed items for analysis



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were received by the lab on 07.01.2025 through a women police constable Ms. Kanimozhi and the samples were analysed between 17.02.2025 and 25.02.2025 which confirms that the samples were maintained in safe and proper custody.

7. Considering the facts and circumstances of the case, nature of the offence, submissions made by the learned counsels on either side, this Court is not inclined to grant the relief sought for by the petitioner and the points raised by the petitioner are to be decided during the course of trial. Hence, the Criminal Original Petition stands dismissed.

07.08.2025

Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police,
AWPS Koyambedu,
Chennai.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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