



WEB COPY

Crl.O.P.No.21649 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21649 of 2025

Krishnamoorthi

... Petitioner/A1

Vs.

State, Rep.by
The Sub-Inspector of Police,
Mangalamedu Police Station,
Perambur District.
(Crime No.350 of 2018)

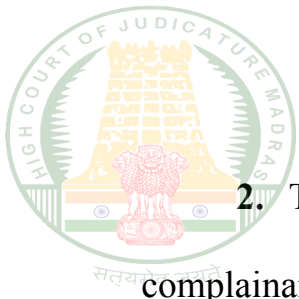
... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail, pending trial of the case in Spl.S.C.No.12 of 2019 on the file of the learned Sessions Judge, Mahila Court, Perambalur.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2025 in Spl.S.C.No.12 of 2019 on the file of the learned Sessions Judge, Mahila Court, Perambalur, pending trial for the alleged offences under section Girl missing, altered into under Sections 5(1), 6,7,8,16,17 of POCSO Act, 2012 and Sec.363 of I.P.C on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 20.08.2018, the de-facto complainant, namely Kolanji lodged a complaint by stating that the petitioner and other accused persons kidnapped her daughter, aged about 17 years, and the petitioner committed penetrative sexual assault against her on several occasions. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. Learned Government Advocate (Crl. Side), appearing for the respondent police, reiterated the prosecution's case and opposed the grant of bail to the petitioner. He further submitted that since the petitioner had not appeared before the trial Court, a Non Bailable Warrant (NBW) was issued against him on 22.04.2019, which was executed on 04.05.2025. The petitioner is currently in judicial custody and has been so for the past 86 days.

5. Considering the submissions and upon perusal of the materials, it is seen that the NBW was issued on 22.04.2019 and was executed after 6 years, on 04.05.2025. The case pertains to the year 2018. Spl.S.C.No.12 of 2019 is pending, and after the arrest of the petitioner, 11 witnesses have been examined and the case is to be posted on 06.08.2025.

6. In view of the above, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed. The trial Court is directed to dispose of the trial as expeditiously as possible.

01.08.2025

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To

1. The Sub-Inspector of Police,
Mangalamedu Police Station,
Perambur District.
2. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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