



Crl.O.P.No.23836 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23836 of 2025

C. Moorthy

... Petitioner/Accused

/versus/

The State Rep. by
The Inspector of Police,
All Women Police Station,
Kanchipuram.
(Crime No.5 of 2025)

... Complainant/Respondent

Prayer: Criminal Original Petition filed under Section 483 of *Bharatiya Nagarik Suraksha Sanhita*, 2023, (439 of Cr.P.C.,) pleaded to enlarge the petitioner on Bail pending investigation in Crime No.5 of 2025 on the file of the respondent.

For Petitioner : Mr.Kanchi.GV.Mathiazhagan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who arrested and remanded to judicial custody on 25.01.2025, for the offences punishable under Sections 87, 351(2) of BNS and Section 5(k) and 6(1) of POCSO Act, 2012, in Crime No.5 of 2025, registered on the file of the respondent, seeks bail.

2. The Learned Government Advocate (Crl.Side) appearing for the respondent states that the investigation been completed and the case is posted for framing of charges. It is a case of penetrative sexual assault against 12-year-old mentally challenged child.

3. The Learned Counsel appearing for the petitioner submits that the petitioner is not potent enough for sexual intercourse and therefore raises the defence of impotency.

4. This is a matter to be considered in the course of trial. Considering the nature of the offence and the present stage of the proceedings, this Criminal Original Petition is dismissed for the present.



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5. The petitioner is at liberty to seek review after the examination of the defacto complainant and the victim girl.

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bsm

To,

1. The Principal District & Sessions Court, Kanchipuram.
2. The Inspector of Police, All Women Police Station, Kanchipuram.
3. The Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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Dr.G.JAYACHANDRAN, J.
bsm

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