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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.12.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.33291 of 2025

Bharathi

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
Bhavani Sagar Police Station,
Erode District.
(Crime No.143 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023,
pleased to enlarge the petitioner on bail in Crime No.143 of 2024 pending on the
file of the respondent police.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2024, for the alleged offence punishable under Sections 5(1), 5(j)(ii), 5(n), 6 of POCSO Act and Section 9 of POCA Act, 2006 in Crime No.143 of 2024, on the file of the respondent police, seeks bail.



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2. The allegation against the petitioner is that he is a step father of the victim girl aged about 17 years and taking advantage of the loneliness of the victim girl, the petitioner had committed aggravated penetrative sexual assault which resulted in causing pregnancy. Hence, a complaint was lodged and the petitioner was arrested.

3. Learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody for nearly 1 ½ years and there was no progress in the trial. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that since the victim girl had delivered a child, the trial could not commence earlier as a DNA test was required. He further submitted that copies have now been furnished and the case is ready for further proceedings.. However, he opposes to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on both sides, the nature of the offence and the fact that the DNA report is also received which shows that the petitioner is the father of the child delivered by the victim, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the Criminal Original Petition is dismissed.

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To

1 The Inspector of Police,
Bhavani Sagar Police Station,
Erode District.

2.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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