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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.12.2025**

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.32939 of 2025

Arun Kumar

... Petitioner

Versus

State rep. by
The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.
(Crime No.178 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on bail in Crime No.178 of 2025 on the file of the respondent police.

For Petitioner : Mr. S.Silambuselvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.09.2025, for the alleged offence punishable under Section “Girl Missing” @ 87, 64(2)(m), 351(3) of BNS r/w U/s 5(I), 6(I) of POCSO Act, 2012, in Crime No.178 of 2025, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner, who is already a married man, closely associated himself with the victim girl, kidnapped her to a separate house, and committed aggravated penetrative sexual assault. It is further alleged that he continuously harassed and assaulted the victim. Based on the said occurrence, a complaint was lodged against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has not abducted the victim girl; rather, she voluntarily accompanied him. It was further contended that both of them lived together for some time as husband and wife. Hence, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the victim girl is aged about 13 years, while the petitioner is aged about 31 years. Taking advantage of the minor victim, the petitioner kidnapped her to his house and committed aggravated penetrative sexual assault. It was further submitted that he also took away the jewels belonging to the victim. He further submitted that the investigation in this case is still pending. Hence, he opposed for grant of bail.

5. Earlier this Court dismissed the bail petition in Crl.OP.No.29859 of 2025 dated 03.11.2025 on the ground that the investigation is pending.

6. Now, it is reported by the learned counsel for the petitioner that the investigation is completed and the final report filed and the case was



taken on file in SC.No.348 of 2025 on the file of Special POCSO Court, Tiruvannamalai. He further submitted that there is change in circumstances and that the petitioner is in judicial custody since 03.09.2025. Hence, he prayed to grant bail to the petitioner.

7. On perusal of the statement of the victim girl, it is seen that the petitioner not only kidnapped and confined the victim, but also used to tie her hands and legs to prevent her from escaping from the house, and further subjected her to continuous harassment and committed aggravated penetrative sexual assault. Since this is not an ordinary case under the POCSO offence, even after the filing of the final report, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

02.12.2025

drl

To

1. The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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