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Crl.O.P.No.33369 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.33369 of 2025

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... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.114 of 2025)

... Respondent

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.114 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. W. Camyles Gandhi

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 09.04.2025 for the offences punishable under Sections 115(2), 87, 351(2) of BNS and U/s. 4 of TNPHW Act and U/s.5(m), 5(i), 5(n), 5(r) r/w. Section 6 of POCSO Act, 2012 in Crime No.114 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner herein is that, the petitioner was earlier in a relationship with the victim's mother and due to a difference of opinion between them, the petitioner had taken the victim's child, who is aged about one year and committed penetrative sexual assault on the victim child; that due to which, the victim suffered severe injuries. Hence, the victim's mother lodged a complaint and subsequently, the petitioner herein was arrested.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted as against the petitioner herein, he is the step father of the victim child and he is in judicial custody since 07.04.2025; that the investigation of the case was completed and final report also filed; and that the petitioner is ready to abide by any condition that may be imposed by this Court, hence prays to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that it is the case of aggravated penetrative sexual assault and there are multiple injuries noted during the medical examination of the victim child; that the investigation of the case was completed and final report has been filed.

5. I have considered the submissions made on both sides and perused the materials available on record, more particularly the medical examination report of the victim child, which reveals that the victim sustained multiple injuries.

6. Considering the above facts, gravity of offence and if the petitioner is enlarged on bail, there is possibility of tampering the witnesses, hence this Court is not inclined to grant bail to the petitioner.

K. RAJASEKAR, J.
stn

7. Accordingly, this criminal original petition stands dismissed.



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05.12.2025

To

1. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.114 of 2025)
2. The Public Prosecutor,
High Court of Madras.

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