



CRL OP(MD) No.1362 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.1362 of 2025

T.Senthilkumar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Koodalpudur Police Station,
Madurai.

Crime No.151 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.M.Prabakaran
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No. 151 of 2024 on the file of the respondent-police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 22.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded in judicial custody on 23.03.2024, for the offences under Sections 302, 201 of IPC, Sections 5(j) (iv), 5(l), 5(m), 5(n), 16 of the Protection of Child from Sexual Offences Act, 2012 r/w Section 34 of IPC and Sections 6 and 17 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.151 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the deceased, who is minor, is the step-daughter of the petitioner/A1 and his wife/A2. The petitioner showed obscene contents to the deceased and had penetrative sexual assault on her. On 21.03.2024, when the deceased was taking bath, the petitioner attempted to assault her sexually. When she resisted the same, the petitioner shut her mouth and strangled her neck, due to which she died. On knowing the fact, A2, who is the wife of the petitioner/A1, supported him and created a story as if the deceased committed suicide. Hence the case.

4. Mr.M.Prabakaran, the learned counsel appearing for the petitioner, submits that this is the third bail application filed by the petitioner. He further submits that



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the petitioner is an innocent person, and that he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is serving as a Subedar in Indian Army. He further submits that though the deceased committed suicide, the respondent-police falsely registered the case against the petitioner as if he committed the offence. He further submits that the petitioner has been in judicial custody since 23.03.2024 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police submits that the case is now pending trial before the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai. Already, the trial commenced and the chief-examination of P.W.1 to P.W.7 was completed. Now, the petitioner filed a petition in CrI.M.P.No.364 of 2025 to recall P.W.1 to P.W.7 for cross-examination and the same is posted tomorrow i.e., 26.03.2025 for filing counter. He further submits that at this stage, if this Court grants bail to the petitioner, he may abscond and cause threat to the defacto complainant and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.



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7. The learned counsel for the petitioner draws an attention of this Court to the statement of the deceased's friend. This Court has perused the same. Now, the petitioner filed a petition in Crl.M.P.No.364 of 2025 to recall P.W.1 to P.W.7 for cross-examination and the same is posted tomorrow i.e., 26.03.2025. Hence, this Court is of the view that at this stage, if bail is granted to the petitioner, he may abscond and cause threat to the defacto complainant and other witnesses. Therefore, this Court is not inclined to enlarge the petitioner on bail. However, considering the period of incarceration, the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, is directed to dispose of the case in Spl.S.C.No.56 of 2024 in a speedy manner without giving any unnecessary adjournments.

8. With the above said observations, this Criminal Original Petition stands dismissed.

sd/-
25/03/2025

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/04/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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- 1.THE LEARNED SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO
ACT CASES, MADURAI
2. THE SUPERINTENDENT,
CENTRAL PRISON,MADURAI.
- 3.THE INSPECTOR OF POLICE, KODALPUDUR
POLICE STATION, MADUAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1362 of 2025
Date :25/03/2025

PR/24.04 .2025 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023