



CRL OP(MD). No.5631 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5631 of 2025

V. Balamurugan

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.74 of 2023).

... Respondent/Complainant

For Petitioner : Ms.M.Lavanya
Advocate

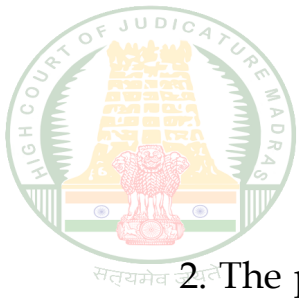
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PRAYER :-

For Bail in Crime No.74 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 30.04.2023 for the alleged offences under Sections 3, 4(2), 9(m), 10, 16, 17 of POCSO Act, 323 of IPC @ Sections 9(m), 10, 16, 17, 5(l), 5(m), 6 of POCSO Act r/w. 323 and 506(ii) IPC in Spl.S.C.No.134 of 2023 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai in Crime No.74 of 2023 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that the victim girl is aged about 7 years at that time of occurrence and the defacto complainant is the father of the victim girl, who is working at Thiruppur. There is illegal relationship between the victim girl's mother / second accused and the petitioner. In such circumstances, the petitioner sexually abused the victim girl in routine manner and when the same was informed to her mother, she made no objection and threatened the victim girl to kill her. Thereafter, the victim girl informed the above incidents to the defacto complainant. Hence, the case.

4. Ms.M.Lavanya, learned counsel appearing for the petitioner submits that it is a second bail petition and the earlier petition filed by the petitioner was dismissed by this Court, vide order, dated 14.02.2024 in Crl.O.P(MD).No.2318 of 2024. He further submits that the petitioner is in judicial custody from 30.04.2023 and seeks bail.



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5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. side) appearing for the respondent-Police submits that the case is posted on 01.04.2025 for examination for the Investigating Officer and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and thereby delay the trial proceedings.

6. Heard both sides and perused the records.

7. This Court has perused the statement of victim girl recorded under Section 164 CrI.P.C., It is seen that the petitioner continuously harassing victim girl and also her brother and moreover in this case out of 17 witnesses, 16 witnesses have already been examined and also considering the nature of offence allegedly committed by the petitioner and also considering the stage of the trial, if the petitioner is released on bail, he will abscond and thereby, delay the trial proceedings. Hence, this Court is not inclined to enlarge the petitioner on bail. However, considering the period of incarceration, this Court requests the trial Court to conclude the trial in a expeditious manner. The prosecuting agency as well as the petitioner is directed to co-operate with trial Court for expeditious disposal.



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8. Accordingly, this Criminal Original Petition is dismissed.

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/04/2025

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

TRP
TO

1. The Principal Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.
 2. The Inspector of Police,
Peraiyur Police Station, Madurai District.
 3. The Superintendent, Central Prison, Madurai.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.LAVANYA, Advocate (SR-3440[I] dated 26/03/2025)

ORDER
IN

CRL OP(MD) No.5631 of 2025
Date :26/03/2025

NBF/SAR /30.04.2025 4P/6C

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