



CRL OP(MD).No.9223 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2025

PRESENT

THE HONOURABLE MR.JUSTICE P. VADAMALAI

CRL OP(MD).No.9223 of 2025

Madasamy @ Mahesh,
S/o.Murugan,
No.24-1F, Manthithoppu Road,
Pasumpon Nagar, 2nd Street,
Kovilpatti,
Thoothukudi District.

..Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Kovilpatti All Women Police Station,
(Crime No.04 of 2024)

.. Respondent/ Complainant

For Petitioner : Mr.A.Balaji
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.04 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 12.04.2024 for the offences punishable under Sections 3(a), 4, 5(n) and 6 of POCSO



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Act and Section 506(i) of IPC in Crime No.04 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused person is the step father of the victim girl. The age of victim girl is 13 years. On 09.04.2024, the victim, who is the complainant's younger daughter was left alone at home. At that time, the petitioner being in a state of intoxication have entered into the house of the Defacto-complainant and forcibly committed penetrative sexual assault on victim girl. Later, the victim girl narrated everything to her mother and she lodged a complaint. Hence, the case.

3. The learned counsel for the petitioner would submit that the Defacto-complainant is the wife of the petitioner. Due to misunderstanding the defacto-complainant frequently quarrelled with the petitioner. Due to the family dispute, the Defacto-complainant lodged a false complaint against the petitioner. The petitioner is an innocent person and he has not committed any offences as alleged by the prosecution, a false case has been foisted against the petitioner. The petitioner is in judicial custody for the past one year. The petitioner is a law-abiding citizen and he will not abscond himself and he is ready and willing to abide any stringent conditions imposed by this Court. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that have



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entered into the house of the Defacto-complainant and forcibly committed penetrative sexual assault on victim girl. At the time of occurrence, the victim girl is aged about 13 years. In this case, 164 Cr.P.C. Statement was recorded from the victim girl, she has clearly stated about the happenings. The allegations against the petitioner are very serious in nature. In this case, investigation was completed and the charge sheet has also been filed before the trial Court, now the trial was commenced. Hence, he strongly objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the petitioner is having bad antecedents, if the petitioner is released on bail, there will be a chance to tamper and hamper the evidences and he may be absconded, the allegations levelled against the petitioner are grave in nature and also considering the nature of offence involved in this case, this court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

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

GVN

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- TO
- 1 THE INSPECTOR OF POLICE
KOVILPATTI ALL WOMEN POLICE STATION,
THOOTHUKUDI
 - 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9223 of 2025
Date :11/06/2025

SS/SAR- /19/06/2025/ 4P/4C

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