



CRL OP(MD). No.9960 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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M.Muthupandi,
S/o.Murugan

...Petitioner / Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Madurai City.
(Crime No.13 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.P.Kalyana Ramachandran,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Spl.S.C.No.11 of 2024 on the file of the Special Court for Cases under POCSO Act, Madurai in connection with the Crime No.13 of 2023 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioner / accused, who was arrested and remanded to judicial custody on 18.11.2023. The petitioner was facing trial before the Special Court for Cases under POCSO Act, Madurai in Spl.S.C.No.11 of 2024 for the offences under Section 5(i), 5(j) (ii), 5(n), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 506(i) of the Indian Penal Code, 1860 (IPC), in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the 17-year-old daughter of the petitioner. The defacto complainant became pregnant unlawfully and gave birth to a male child. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the defacto complainant had a love affair with multiple persons and had physical relationships. When the same was questioned by the petitioner, she lodged a false complaint against him. He would further submit that the petitioner is in custody from 18.11.2023. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the accused had sexually assaulted his own daughter multiple times. He would further



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submit that the defacto complainant gave birth to a male child. He would also submit that, as per the DNA test conducted by the Regional Forensic Science Laboratory, Madurai, it has been established that the petitioner is the biological father of the newborn child. Hence, the learned Government Advocate (Criminal Side), strongly opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner, and the stage of the proceedings, this Court is of the view that if the petitioner is released on bail, he may pose a threat to the defacto complainant and may also cause delay in the trial proceedings. Hence, this Court is not inclined to grant bail to the petitioner.

7. In the result, this Criminal Original Petition is dismissed.

sd/-
20/06/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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PAL
TO
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1 THE JUDGE,
SPECIAL COURT FOR CASE UNDER POCSO ACT,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.9960 of 2025
Date :20/06/2025

SA/SAR. /04.07.2025/4P/5C

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