



Crl.O.P(MD).No.9890 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 20.06.2025

Pronounced on : 07.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.9890 of 2025

Rajendran

...Petitioner/Sole Accused

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
(Crime No.96 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge him on bail in respect of Special S.C.No.612 of 2024 on the file of the Principal Sessions Judge, Tenkasi in Crime No.96 of 2024 on the file of the respondent.

For Petitioner : Mr.D.Venkatesh

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



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ORDER

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The petitioner seeks bail in connection with the case in Spl.S.C.No.612 of 2024 on the file of the Principal Sessions Court, Tenkasi, in Crime No.96 of 2024 of respondent police.

2. The brief case of the prosecution is that the petitioner is the father of the victim girl Kavya. It is alleged that with sexual intention, the petitioner has been misbehaving with the victim from December 2016 and that the victim girl was taken to agricultural field, where the petitioner is alleged to have committed aggravated penetrative assault against the victim, which has continued till the victim girl completed 12th std. The petitioner has also been alleged to have intimidated the victim. It is further alleged that the petitioner misbehaved with the victim's younger sister Kalaivani, who reported to her on 12.03.2024. Then both informed the act of the petitioner to their cousin Umapathi and lodged a complaint before the Sendhamaram Police Station. Hence, the case was registered against the petitioner for the offence U/s.6, 5(1), 5(n), 7 and 8 of the POSCO Act, 2012 and U/s.506(i) of IPC and a charge sheet was laid after investigation. Now the case is pending as Spl.S.C.No.612 of 2024 before the Principal Sessions Court, Tenkasi.



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3. After framing charges, the trial has been started and the prosecution has examined the victim girls as P.W.1 and P.W.2. Now, the case is pending for examination of further PWs. At this stage, the petitioner has filed this petition seeking for bail.

4. The learned counsel for the petitioner has mainly submitted that the petitioner has earlier filed Crl.O.P.(MD)No.16267 of 2024 and Crl.O.P.(MD) No.296 of 2025 and the same were dismissed. It is further submitted that while dismissing Crl.O.P(MD)No.296 of 2025, this Court directed the petitioner to file a fresh petition after examination of the victim girls. Now, the victim girls were examined. So, the petitioner has filed this petition for the third time. The petitioner mainly argued that the victim girl Kavya fell in love with another caste boy. Hence, the victim girl was warned by the petitioner. Moreover, there was a property dispute between the petitioner and the victim's cousin Umapathy. The said Umapathy tuned the victim girls and filed this case after lapse of six years for the alleged occurrence in 2018. The other victim girl, who was examined as P.W.2, turned hostile. The petitioner is the father of the victim girls. He never committed the alleged offences. The petitioner is in judicial custody for a long period. Since the ocular witnesses/victims were examined by the respondent police, there is no possibility of tampering the



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witnesses and hence, for that reason bail may be granted to him.

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5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the victim gave a statement U/s.164(5) of Cr.P.C., before the learned Judicial Magistrate and gave evidence as P.W.1 before the trial Court. Though P.W.2 turned hostile, P.W.1 clearly narrated all incidents and occurrences against her own father. It came to learn that the petitioner managed to tamper with the P.W.2 Kalaivani, who gave a statement U/s.164(5) of Cr.P.C., before the learned Judicial Magistrate, narrating the incidents. There is more chance for the petitioner to tamper with the evidences. The prosecution side's witness would get completed shortly. If the petitioner is granted bail, he will escape and the trial of the case will be affected. Therefore, he strongly objected for the bail.

6. Heard and perused available records. It is seen from the records that the petitioner was charged by his own daughters. Both the victims gave statements U/s.164(5) of Cr.P.C., before the Judicial Magistrate, narrating the incidents. However, out of the two victims, P.W.1 Kavya deposed clearly in her examination as stated so in her statement U/s.164 (5) of Cr.P.C. The petitioner's defence of love affairs on PW1 would be adjudicated by the trial court at the time of giving findings.



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7. The fact remains, a charge sheet was filed against the petitioner and the same was taken on cognizance and the case is now pending for further examination of PWs. It is pertinent to note here that the Hon'ble Supreme Court issued guidelines for disposal of bail applications reported in 2022 (3) MWN (Cr.) 145 (SC) *Satender Kumar Antil vs. Central Bureau of Investigation & Anr.*). As per guidelines, bail applications for the offences punishable with death, imprisonment for life have to be decided on merits on case to case basis, keeping in view of general principle of law. When the bail is a general rule, it is not automatic in serious offences and bail should not be granted merely on the grounds of long incarceration. The Hon'ble Supreme Court has emphasized the proposition in several cases. A long period of incarceration is not a ground for granting bail. The heinous and serious nature of the offence has to be taken into account.

8. Therefore, the seriousness of the crime of sexual assault committed by the petitioner against his own daughters will not be taken as a simple nature of offence. The argument of the learned Government Advocate (Crl.side) that the prosecution will shortly complete the examination of the prosecution side is also taken into consideration. Therefore, considering the overall facts and circumstances, this Court is not inclined to grant bail to the petitioner.



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

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

To

- 1.The Superintendent of Prison
Central Prison, Palayamkottai.
- 2.The The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.9890 of 2025
Date :07/07/2025

PS/SAR.22.07.2025 6P/4C

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