



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.08.2025

CORAM:

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl.A.(MD)No.745 of 2025

A.Kamatchi

... Appellant

vs.

1.The Assistant Commissioner of Police,
Madurai City.

2.The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tallakulam, Madurai District.
(Crime No.44 of 2024)

3.Tamil

...Respondents

PRAYER : This Criminal Appeal has been filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 to call for the records pertaining to the order dated 25.04.2025 in Crl.M.P.No.478 of 2025 on the file of the learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai and to set aside the same and enlarge the appellant on bail in connection with Crime No. 44 of 2024 on the file of the respondent Police by allowing the Appeal.

For Appellant : Mr.C.Saravanan

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Crl. Side)
for R1 and R2
R3 - party-in-person - present



JUDGEMENT

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This appeal has been filed challenging the order of the learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai, dated 25.04.2025 in Crl.M.P.No.478 of 2025 in Spl.S.C.No.121 of 2024.

2. The appellant is the sole accused, who has been charged for the offence under Sections 9(m) and 10 of POCSO Act and Section 3(1)(w) (i) of SC/ST (POA) Amendment Act, 2015. The accused has filed a bail application to enlarge him on bail and the same was dismissed by the learned Sessions Judge through the impugned order. Aggrieved over that, the accused has preferred this appeal.

3. The learned counsel appearing for the appellant submitted that the one and only reason for which the bail application was not considered is because of the delay in initiating the trial.

4. The learned Sessions Judge has dismissed the bail application by citing the Judgement of the Apex Court in the case of **Sudha Singh vs. the State of Uttar Pradesh and another** dated 23.04.2021 in **Criminal Appeal No.448 of 2001 @ Special Leave Petition [(Crl.) No.**



3577 of 2020] and by observing that the offence is serious in nature, the gravity of punishment is higher and the appellant / accused will pose a threat to the victim and her family members as he was residing in the same locality,

5. The learned counsel appearing for the appellant submitted that the appellant would co-operate for enquiry if he is released on bail; and the appellant has permanent residence and he will not abscond in case he is released on bail.

6. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 submitted that the trial is going to be completed soon.

7. The third respondent who is the defacto complainant (PW1) is also present and she objected to the release of appellant on bail by stating that herself and her daughter who is the victim in this case are staying alone and the residence of the appellant / accused is situated nearby. She has further stated that the appellant / accused had entered into her house once in a drunken state and only after the interference of the elders, she could send him away.

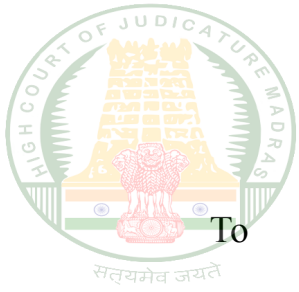


8. As there is apprehension in the minds of the defacto complainant and it has also been substantiated with the earlier conduct of the appellant / accused and the trial is also at the concluding stage, I feel it is appropriate for the trial Court to post the matter on a day to day basis and complete the trial at the earliest. In view of the valid objections raised by the defacto complainant and also considering the nature of the offence and gravity of the punishment and the stage of the trial, I feel the order of the trial Court has to be upheld.

9. With the above observations, this Criminal Appeal is dismissed. The order of the learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai, dated 25.04.2025 in Crl.M.P.No.478 of 2025 in Spl.S.C.No.121 of 2024 is confirmed.

06.08.2025

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Crl.A.(MD)No.745 of 2025

To

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- 1.The Sessions Judge,
Principal Special Court for Exclusive trial
of cases under POCSO Act, Madurai
- 2.The Assistant Commissioner of Police,
Madurai City.
- 3.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Dr.R.N.MANJULA, J.

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