



Crl.O.P.(MD) No.17797 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17797 of 2025

M.Chellapandian

... Petitioner

Vs.

1.State of Tamilnadu rep. by
The Deputy Superintendent of Police,
Naguneri Sub Division,
Naguneri, Tirunelveli District.

2.The Inspector of Police,
All Women Police Station,
Naguneri, Tirunelveli District.
(Crime No.44 of 2025)

3.Arul Selvi,
District Child Welfare Officer,
District Child Welfare Unit,
Kokkirakulam,
Tirunelveli District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to direct the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No.44 of 2025 on the file of the second respondent police.



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For Petitioner : Mr.C.Saravanakumar
For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, to consider the petitioner's bail application on the very same day of his surrender, in connection with Crime No.44 of 2025 on the file of the second respondent police.

2. Since this Court is directing the Court below to consider the bail application after giving notice to the victim and the defacto complainant, the notice to the victim and the third respondent/defacto complainant in this case is dispensed with.

3. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration of the facts of the case, there shall be a direction



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to the learned Sessions Judge, Special Court for POCSO Act Cases,

WEB COPY Tirunelveli to consider the petitioner's bail application on the same day of his surrender in connection with Crime No.44 of 2025 on the file of the second respondent police registered for the offences punishable under Sections 9(o) and 10 of the Protection of Child from Sexual Offences Act, 2012 and Section 3(1)(w)(l) of SC/ST (Prevention of Atrocities) Act, 1989 and pass appropriate orders in accordance with law. It is needless to say that the Court below while disposing the bail petition shall consider the gravity of the offence, previous antecedent of the petitioner and pass orders, after affording due opportunity of hearing to the victim under Section 15-A of the SC/ST (POA) Act, 1989.

4. The petitioner shall surrender before the concerned jurisdictional Court, within a period of fifteen (15) days from the date of receipt of a copy of this order. The petitioner shall inform in advance the learned Public Prosecutor and the victim and the third respondent/defacto complainant of the date of surrender and of the filing of the petition.



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5. This Criminal Original Petition is ordered accordingly.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Sessions Judge, Special Court for POCSO Act cases,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Naguneri Sub Division,
Naguneri, Tirunelveli District.
- 3.The Inspector of Police,
All Women Police Station,
Naguneri, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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