



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.2248 of 2026

N.Dhanapal

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
AWPS Selaiyur,
(Crime No.3447 of 2016)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.3447 of 2016 on the file of the respondent police.

For Petitioner : Mr.Ruthira Murthy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.08.2025 for the alleged offences punishable under Section 6 of the POCSO Act and 5(j)(ii), (1)(n) r/w 6 of POCSO Act and 506(i) of IPC, in Crime No.3447 of 2016, registered on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that, he is the step father of the victim girl, he has committed aggravated penetrative sexual assault on the victim girl and hence, he was arrested and released on bail. Thereafter he was regularly appeared before the trial Court and on 01.12.2022 he absconded and NBW was issued, 3 years after NBW was executed, the petitioner is in custody from 13.08.2025.

3. Earlier, this Court dismissed the bail petition in Crl.OP.No.34931 of 2025 dated 19.12.2025 on the following reasons:

“5. Considering the facts and circumstances of this case, that the absconded for more than 3 years, and if he is released on bail, it would be stall trial process, hence I am not inclined to grant bail to the petitioner at this stage”.

4. Now, the learned counsel for the petitioner submitted that the petitioner is in judicial custody for more than three years and is suffering from health issues, and hence, he prays to grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that in this case, PWs.1 to 4 have already been examined. However, the petitioner did not cross examine the said witnesses and therefore, the Trial Court closed the evidence of PWs.1 to 4 and proceeded to examine the other witnesses. Hence, he oppose to grant bail to the petitioner.



5. Considering the fact that though the petitioner is in judicial custody for substantial period, the trial is also progressing and that the petitioner is not co-operating with the trial by cross examining the witnesses, hence this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

10.02.2026

drl

To

1.The Inspector of Police,
AWPS Selaiyur,

2.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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