



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL.O.P No. 16043 of 2026

Venkatesan

..Petitioner

Vs

State represented by
The Inspector of Police,
Polur All Women Police Station,
Tiruvannamalai District.
(Crime No.73 of 2025)

..Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.73 of 2025 pending investigation on the file of the respondent police.

For Petitioner:

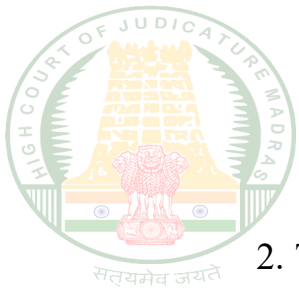
Mr.V.Santhosh

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.02.2026 for the alleged offences under Sections 5(1), 5(j)(ii) and 6(1) of POCSO Act, 2012 in Crime No.73 of 2025 on the file of the respondent police, seeks bail.

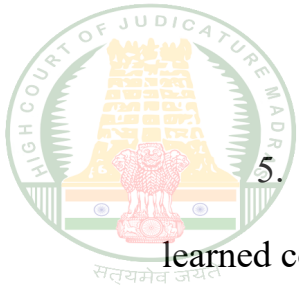


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2. The case of the prosecution is that the minor victim's native place is in the Tiruvannamalai District. While she was residing at her native place, the accused, Mr. Dinesh who is a relative of the minor victim falsely promised to marry her and induced her to fall in love with him. Thereafter, he sexually assaulted and harassed the minor victim, as a result of which she is now pregnant.

2. The learned counsel appearing for the petitioner relied upon the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). He rightly contended that she did not support the allegation of forcible penetrative sexual assault, instead, she stated that they were in a consensual physical relationship. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and hence, prayed for the grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution's case and submitted that, since the victim is a minor, consent cannot be considered a mitigating circumstance and the DNA test results also match.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. Considering the serious nature of the allegations against the petitioner, and as rightly contended by the learned Government Advocate (Crl. Side) since the victim is a minor, consent cannot be considered a mitigating circumstance and furthermore, the DNA test results match and the petitioner is aged about 39 years, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petitions stands dismissed.

25-06-2026

NSL

To

1. The Inspector of Police, Polur All Women Police Station, Tiruvannamalai District.
2. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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