



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL A No. 1773 of 2025

Nivetha @ Naziya

..Appellant(s)

Vs

1. The State rep by
The Assistant Commissioner of Police
Vepery, Chennai.
2. The State rep by The Inspector of Police
K3 Aminjikarai Police Station,
Chennai-600 0029.
3. Sharfudeen
No.10, Bajanai Kovil Street,
Choolaimedu, Chennai.

..Respondent(s)

Prayer: This Criminal Appeal is filed under Section 374 of BNSS, to set aside the order made in Crl.M.P.No.1539 of 2025 dated 16.10.2025 and enlarge the appellant on bail, pending trial on the file of the learned Special Court for exclusive trial of cases under POCSO Act Chennai in Spl.S.C.No.28/2025.

For Appellant(s):

Mr.S. Kasi Rajan

For Respondent(s):

Ms.J.R.Archana, GA (Crl.Side) for R1 & R2;

No Appearance for R3;

Ms.Deepika Murali, for mother of the deceased victim.

JUDGMENT

This Criminal Appeal has been filed seeking to set aside the order dated 16.10.2025 made in Crl.M.P.No.1539 of 2025 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in



Spl.S.C.No.28 of 2025, which dismissed the application for bail, and consequently to enlarge the appellant on bail in connection with Crime No. 652 of 2025.

2.The case of the prosecution is based on a complaint received from the house owner of the premises at Door No. 07, SI Eden Castle, Aminjikarai, Chennai, it is alleged that the appellant (A1) and her husband (A2) employed a 14-year-old girl, namely Arunthadhi, as a baby sitter to look after their 5 year old child. On the allegation that she was not caring for the child properly, the appellant and A2 allegedly attacked her with PVC pipes and caused injuries. Subsequently, she was subjected to brutal sexual assault by A2 and A3 – a business friend of A2. It is further alleged that the accused attacked her with deadly weapons, gagged her mouth with a towel, poured water on her head, and caused grievous injuries with an iron box, resulting in her death. The body of the victim girl was thereafter locked in a bathroom. The respondent police registered the FIR for offences under Sections 61(2) r/w 103(1) of BNS, 5(1) r/w 61(1) of the POCSO Act, 3(2)(v) of SC/ST (PoA) Act, and 75 the of Juvenile Justice (Care & Protection of Children) Act.

3.The learned counsel for the appellant submitted that the appellant (A1) was arrested on 01.11.2024 and has been in judicial custody for more than two years. He further submitted that the trial has already commenced and ten



witnesses have been examined. He further contended that a co-accused (A5-servant) has already been granted bail by this Court in Crl.A.No.1784 of 2025.

He also highlighted that the appellant has an infant with no one to care for the infant, and on these grounds, he sought setting aside of the impugned order and the enlargement of the appellant on bail.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2 strongly opposed the grant of bail. She submitted that the appellant and her husband (A2) subjected the minor victim girl to extreme physical torture and murder. She further contended that the post-mortem report confirms multiple grievous injuries as the cause of death. She also contended that out of 58 witnesses, 10 have already been examined and they have categorically deposed regarding the overt acts of the appellant. She clarified that the role of A5, who was a servant, cannot be equated with that of the appellant.

5.The learned counsel appearing for the mother of the deceased victim also vehemently opposed the appeal. She submitted that the accused exploited the poverty of the victim's family by promising education and secured future of the victim girl but instead subjected the minor to brutal penetrative sexual assault and murder. She pointed out that the body of the victim was recovered from the bathroom of the appellant's house, for which the appellant has provided no explanation.



6. Heard both sides and perused the materials available on record.

7. Considering the heinous nature of the offence, the gravity of the allegations involving the brutal murder of a minor girl, and the fact that the trial is currently in progress with important witnesses being examined, this Court is of the view that there is a strong possibility of the appellant tampering with evidence or threatening the remaining witnesses if enlarged on bail. Furthermore, this Court had earlier dismissed a similar prayer in Crl.A.No.515 of 2025 on 05.06.2025, and no significant change in circumstances has been made out to warrant a different view at this stage.

8. In view of the above, this Court is not inclined to allow the appeal. Accordingly, the order dated 16.10.2025 made in Crl.M.P.No.1539 of 2025 is confirmed and this Criminal Appeal is **dismissed**. However, it is made clear that the findings rendered herein are only for the purpose of deciding of this appeal and shall have no bearing on the merits of the trial pending in Spl.S.C.No.28 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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