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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.35360 of 2025

Durgaivel

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
(Crime No.55 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.55 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.10.2025 for the alleged offence punishable under Sections 137(1)(b), 137(2), 127(2) of BNS and 5(I) r/w 6 of POCSO Act, in Crime No.55 of 2025 on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that he is a distant relative of the victim girl, aged 17 years and that he developed acquaintance with her and under the pretext of love, kidnapped her to Coimbatore, where he committed aggravated penetrative sexual assault. In the meantime, the petitioner's wife lodged a complaint of man missing, pursuant to which the police traced the petitioner and rescued the victim girl. Hence, a complaint was lodged and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody since 19.10.2025 and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent police reiterated the prosecution case and submitted that the statement of the victim girl revealed that the petitioner had committed aggravated penetrative sexual assault on the victim girl. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and on perusal of the records, including the statement of the victim girl, which



reveals the manner in which the occurrence took place, and considering the age of the victim and the fact that the petitioner is a married man living with his wife, who nevertheless kidnapped and committed aggravated penetrative sexual assault, therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

07.01.2026

drl

To

1.The Inspector of Police,
North All Women's Police Station,
Tiruppur,
TamilNadu – 641 607.

2.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

CrI.O.P.No.35360 of 2025

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