



CRL OP(MD). No.4832 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Karpagamoorthy

... Petitioner / Sole Accused

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
(Crime No.1 of 2025)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Spl.S.C.No.40 of 2025 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai, in Crime No.1 of 2025 on the file of the respondent police.

For Petitioner : M/s.P.Kalaiyarasi,
Advocate

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor



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ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 15.01.2025 for the offences punishable under Sections 5(1), 5(J)(ii), 5(n) r/w Section 6 of the POCSO Act, 2012, in Crime No.1 of 2025 on the file of the respondent police, seeks bail.

2. The petitioner earlier filed a bail petition and the same was dismissed on 12.08.2025. The said order is extracted hereunder:

“ 2. The case of the prosecution is that the defacto complainant had three daughters from her first marriage and 8 years ago, she separated from her first husband and thereafter, she married the petitioner. When the victim girl, who is the first daughter of the defacto complainant, was alone in the home, the petitioner, giving a false promise that he would make her act in the cinema, committed an aggravated penetrative sexual assault on her, because of which, she became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that after completion of investigation, the respondent police has filed a charge sheet and the same was taken on file in Spl.S.C.No.40 of 2025 on the file of the Principal Special Court for Exclusive Trial of cases under the POCSO Act, Sivagangai. He would further submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution and that the petitioner is no way connected with the case, a false case has been lodged as against the petitioner. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in



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custody from 15.01.2025 nearly 182 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner, who is aged 37 years, had committed aggravated penetrative sexual assault on the victim girl several times, who is aged 15 years, due to which, the victim girl became pregnant and DNA report is not yet received. He would further submit that the petitioner has been detained under the Goondas Act on 23.02.2025 and the said order is under challenge before this Court. Hence, he strongly objected to grant bail to the petitioner.

5. Considering the seriousness and gravity of the offence alleged as against the petitioner and also the facts that the petitioner has already been detained under the Goondas Act and that DNA report is not yet received and also taking note of the strong objections raised by the learned Government Advocate (Criminal Side), this Court is not inclined to grant bail to the petitioner.

6. In the result, this Criminal Original Petition is dismissed.”

3. The learned counsel for the petitioner submitted that subsequently there has been no progress in the trial and, considering the period of incarceration of more than 420 days, the petitioner may be granted bail. He further submitted that the victim girl had voluntarily engaged in sexual intercourse with the petitioner and relied on certain judgments of the Hon'ble Supreme Court in support of his contention. He also submitted that the detention order passed against the petitioner



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under Act 14 as a sexual offender has been revoked. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the DNA report received also confirms that the petitioner is the biological father, thereby establishing that the alleged sexual assault had taken place. He further submitted that the minimum punishment prescribed for the offence is 20 years. As on date, there is no change of circumstances in this case and the prosecution has not yet examined the victim girl. Hence, he objected to the grant of bail to the petitioner.

5. This Court heard the learned counsel appearing on either side and perused the materials placed on record.

6. The revocation of Act 14 is not a ground to consider the bail application when the allegation against the petitioner is that he committed penetrative sexual assault and the DNA report also states that he is the biological father of the child. Apart from that, the victim has not yet been examined during the trial. In the said circumstances, this Court



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is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed with a direction to the learned Trial Court to dispose of the case within a period of three months from the date of receipt of a copy of this order.

05.03.2026

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To

1. The Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Sivagangai.
2. The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
IN
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