



CRL OP(MD) No.4766 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	05.03.2026
Pronounced On	:	09.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.4766 of 2026

B.Sivakumar

... Petitioner

Vs

The State Rep.By,
The Inspector of Police,
Srirangam All Women Police Station,
Tiruchirappalli City.
(Cr.No.39 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.39 of 2025 dated 14.12.2025 on the file of the respondent police by allowing this application.

For Petitioner : Mr.S.Chandra Sekar

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 16.12.2025 for the offences punishable under Sections 87, 64 and 3(5) of BNS, 2023 in Crime No.39 of 2025, on the file of the respondent police, seeks bail.

2.The *defacto* complainant is employed as a house keeper in the house of A3, namely, Subbulakshmi, who resides at Surya Apartment, Srirangam. The *defacto* complainant has a mentally challenged daughter, and she used to take the said daughter along with her to the house of A3 during working hours. During such time, the custody of the said mentally challenged daughter was taken care of by A3 Subbulakshmi. While so, on **08.12.2025 at about 11.00 a.m.**, the *defacto* complainant went to her native place to attend a relative's function, after leaving the victim in the custody of A3. Exploiting the vulnerable situation, A3 allegedly called the petitioner/A2 to her house and facilitated A2 and other accused to commit rape upon the victim. Subsequently, the said incident came to light, and the *defacto* complainant preferred a complaint before the respondent police. Based on the same, a case was registered in **Crime No.39 of 2025** for the aforesaid offences. Pursuant to the registration of the case, the petitioner was arrested on **16.12.2025** and has been



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in judicial custody since then.

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3.The learned counsel for the petitioner submitted that there were no specific allegations against the petitioner in the FIR and that his name was subsequently added in this case. It is further submitted that, except the alleged confession, there is no other material available on record. According to the learned counsel, the victim has been tutored and a false case has been foisted against the petitioner. It is also submitted that the petitioner is aged about **55 years**, suffering from **chronic diabetes and cardiac ailments**, and that he has undergone **angioplasty**, requiring constant medical care. In support of the said submission, medical records have been produced. Hence, he seeks bail.

4.Per contra, the learned Additional Public Prosecutor submitted that the petitioner is alleged to have committed rape on a mentally challenged victim.” with the active connivance of A3 and that the nature of the offence is grave. Therefore, no sympathy can be shown on the ground of his health condition. It is further submitted that if the petitioner is released on bail, there is a strong possibility of **tampering the witnesses**. Therefore, he sought dismissal of this petition.



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5.This Court considered the rival submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the case diary and other records produced by the prosecution.

6.The petitioner, aged about 55 years, is stated to be a building maintenance civil contractor by profession and is acquainted with A3 Subbulakshmi. It is alleged that A3 called the petitioner to her house, where the victim, who is a mentally challenged girl, was subjected to forcible sexual intercourse.

7.This Court has also perused the **case diary** produced by the investigating agency. Apart from the victim's statement narrating the forceful rape, both in 161 Cr.P.C., statement and also the **statement recorded under Section 164 Cr.P.C. The medical evidence also collected.** The genuineness and veracity of the said statement are matters to be tested during trial.

8.Considering the gravity of the offence, which involves the alleged rape of a mentally challenged woman, and taking into account that the victim and



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her family belong to a poor and vulnerable background, as well as the necessity of ensuring witness protection, this Court is not inclined to grant bail to the petitioner at this stage. The offence alleged is not only against the individual victim but also against society at large. Further, the *defacto* complainant is working as a domestic servant, and there exists a reasonable apprehension that the petitioner, if released on bail, may tamper with the witnesses. In view of the above circumstances, this Court is not inclined to grant bail to the petitioner at this stage. However, it is open to the petitioner to renew the bail application after the examination of the material witnesses during the course of trial.

9. Accordingly, this Criminal Original Petition stands dismissed.

09.03.2026

sbm

To

1. The Inspector of Police,
Srirangam All Women Police Station,
Tiruchirappalli City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN.J,

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