



CRL OP(MD). No.4799 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.4799 of 2026

Murugesan

... Petitioner / Accused No.1

Versus

The State of Tamilnadu Rep by
The Inspector of Police AWPS -Kovilpatti
Thoothukudi District.
Crime No.51/2025.

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Crime No.51 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Vikram
Advocate

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



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.12.2025 for the offences punishable under Sections 64(1), 351(2) of BNS in Crime No.51 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other absconding accused, is alleged to have committed rape upon the victim, who is a mentally challenged woman. According to the prosecution, the petitioner initially subjected the victim to sexual intercourse, and subsequently, taking advantage of the situation, the other absconding accused also forcibly had sexual intercourse with the victim. In these circumstances, the respondent police have registered a case against the petitioner and the other absconding accused for the aforesaid offences.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person, a false case has been foisted against the petitioner. However, the petitioner is ready and willing to abide with the



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any stringent condition imposed by this court. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused committed an offence of rape that too against the mentally retarded person. The other accused absconded and hence he strongly opposed to grant of bail to the petitioner.

5. This Court, vide order dated 16.03.2026, directed the Inspector of Police, AWPS, Kovilpatti, Thoothukudi District, to appear before this Court on 18.03.2026 along with an explanatory affidavit stating the steps taken to arrest A2, against whom similar allegations have been made. However, on 18.03.2026, the said officer did not appear. Therefore, this Court directed the Superintendent of Police, Thoothukudi, to appear before this Court through video conferencing at 2:15 p.m. on 18.03.2026, along with an action taken report against the aforesaid officer.



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6. Accordingly, today (18.03.2026) at 2:15 p.m., the Superintendent of Police, Thoothukudi District, appeared through video conferencing and stated that, after earlier instructions given to the Deputy Superintendent of Police, he arrested the accused. Apart from that, the Inspector of Police, AWPS, Kovilpatti, Thoothukudi District, appeared before this Court and stated that, on the said date, she had attended a hearing at the Tirunelveli Court, due to which she was unable to appear before this Court on the previous hearing date. However, the lapse on the part of the Investigating Officer in failing to arrest the accused is condemnable. Hence, this Court directed the Superintendent of Police to conduct an enquiry against the said officer and peruse the CD file, and submit a report before this Court on **10.04.2026**.

7. Considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the Superintendent of Police, Thoothukudi District is directed to submit his report on **10.04.2026**.



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8. For reporting compliance post on **10.04.2026**.

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To

1.The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi 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
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