



CRL OP(MD). No.23180 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

(Criminal Jurisdiction)

Date : 21/01/2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Athikari @ Kumar

.. Petitioner

Vs

The State of Tamilnadu,
Rep By, The Sub Inspector of Police,
Thallakulam Police Station,
Madurai District.
Cr.No.36 of 2024.

... Respondent/Complainant

For Petitioner : SMA Jinnah,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-58B.To enlarge the petitioner on bail in Spl
S.C.No.109 of 2024 on the file of Principal special
court for POCSO Act Cases, Madurai in connection with
Cr.No.36 of 2024 on the file of respondent police and
thus render justice.

ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 11.07.2024 for the offences punishable under Sections 96 of BNS and 3(a) r/w.4(2) of POCSO Act, in Crime No.36 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused kidnapped the victim girl and he had committed penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that due to previous enmity, a false case has been given. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 11.07.2024. Hence, he seeks bail to the petitioner.



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WEB COPY 4. The learned Additional Public Prosecutor submitted that the investigation has been completed and the charge sheet has been filed. He further submitted that the petitioner has involved in a serious offence. He further submitted that the detention order was revoked against the petitioner. This is the second bail application and six witnesses were examined. Now the trial is posted on 30.01.2026. Hence, he opposed to grant bail to the petitioner.

5. On earlier occasion, the petitioner sought bail under medical ground. Hence, this Court has directed the prosecution to examine the petitioner's health condition and submit a report before this Court.

6. Today the prosecution has submitted the medical report wherein it is stated that the petitioner had come for minor complaints like fever, Myalgia and Itching and for itching problem, he was referred to GRH, Madurai for dermatologist opinion on



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09.01.2026 and found to have Scabies with Pyoderma and suggested oral Antibiotics with Anti-Histaminics and lotion application and at present, he is stable and doing healthy. Therefore, the medical ground raised by the petitioner is not there. Hence, this bail application cannot be considered on medical ground.

7. As far as the merits is concerned, since the trial is commenced and the victim is 14 years old, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

21.01.2026

PJL

TO

1. The Sessions Judge,
Special Court for POCSO Act Cases,
Madurai.

2. The Sub Inspector of Police,
Thallakulam Police Station,
Madurai District.

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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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S.SRIMATHY, J

PJL

ORDER
IN
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Date : 21/01/2026