



Crl.O.P.(MD)No.19378 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.12.2024

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
Crl.O.P.(MD)No.19378 of 2024

Ramesh @ Shanthinathan

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(Crime No.8 of 2024)

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan, Advocate

For Respondent : Mr.A.Thiruvadi Kumar, Additional Government Pleader

PETITION FOR ANTICIPATORY BAIL UNDER
SECTION 482 OF BHARATIYA NAGARIK SURAKSHA SANHITA ACT, 2023

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2024, on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 [hereinafter referred to as "the POCSO Act"] and Section 506(i) of the I.P.C., in Crime No.8 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The brief facts of the case is that, the victim girl is 15 years of age. After completing her 10th Standard, during her annual vacation, she joined the finance shop



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of the petitioner/accused on 09.04.2024 to support her family. The victim was referred to the shop through Ganesan, a known person to the family. She was assigned the task of managing the shop's accounts for a monthly salary of Rs.6,000/-. While he was alone in the shop with the victim girl, the petitioner/accused promised to pay her Rs.7,000/- as salary starting the next month. On 30.04.2024, he called her to the shop when no one else was present, and forcibly made her sit on his lap with sexual intent. When she refused and tried to move away, he forced her to stay. Then, he touched her breast, hugged her, and kissed her. He continued the said behaviour, making lewd comments about her. On one occasion, he attempted to undress her and touch her private parts. Further, he threatened to harm her parents, if she disclosed the incidents. Eventually, the victim girl, unable to endure the sexual assault, broke down in tears and confided in her mother. The mother subsequently filed a complaint with the respondent Police, leading to the registration of a case.

3. The learned counsel for the petitioner contends that the de-facto complainant, the mother of the victim girl, had borrowed a loan from the petitioner and defaulted on its repayment. When the petitioner demanded the repayment of the loan, a false case was fabricated against him. It is submitted that the petitioner has no prior criminal history and has been wrongfully implicated in this case.

4. The learned counsel for the petitioner further submitted that although the



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victim girl claims that the sexual assault occurred on 30.04.2024 and continued until 15.05.2024, she did not disclose anything to her mother during this period. The complaint was only lodged on 16.05.2024, which, according to the petitioner, indicates that the complaint was delayed and is an afterthought. The learned counsel contends that this delay was intended to create a false narrative in order to deny the petitioner repayment of the loan and to escape from financial liability.

5. The learned Additional Public Prosecutor submitted that the petitioner had previously filed four anticipatory bail applications. The first was withdrawn, and the subsequent three were dismissed on merit, considering the victim girl's statements to the respondent Police and under Section 164 Cr.P.C. statement. The victim, a minor and school-going girl, had taken up a job to alleviate her family's financial crisis. During lunch hours, when the no one was in the shop, the petitioner attempted to forcibly sexually assault her. The victim girl confirmed the same in both her statements.

6. The learned Additional Public Prosecutor further submitted that the petitioner's claim that the complaint was filed to avoid repaying a loan is unacceptable. The investigation has been completed, and a charge sheet [LTN20220002224C202400036] was filed on 03.08.2024, before the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai. The learned



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Additional Public Prosecutor further submitted that there are 13 witnesses listed in this case, and the victim's statement has been corroborated by the testimonies of other witnesses. Therefore, the learned Additional Public Prosecutor strongly opposed the grant of anticipatory bail.

7. The learned counsel for the petitioner submitted that since the investigation has now been completed and the charge sheet has been filed, custodial interrogation of the petitioner is no longer necessary. The petitioner is living with his family and has strong social ties, assuring that he will not evade justice. He is committed to cooperating with the trial and ensuring that the proceedings are completed within the stipulated period.

8. Considering the submissions made and after reviewing the materials, it is seen that this Court had previously dismissed the petitioner's anticipatory bail applications on four occasions during the investigation stage. The investigation was completed on 13.07.2024, and the charge sheet was filed on 03.08.2024 through e-filing (reference [LTN20220002224C202400036]) before the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, in Sivagangai. In view the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date



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of receipt of a copy of this order, before the learned Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the respondent Police or the Police Officer who intends to arrest or to the satisfaction of the said learned Judge, on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent Police daily at 10.30 a.m. except on the days when he is required to attend the trial Court;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judge / Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]; and



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[f] if the petitioner / accused thereafter absconds, a fresh F.I.R. can be registered under Section 229-A I.P.C.

10. The trial court is directed to take the charge sheet on file, assign a Special Sessions Case number, and conclude the trial within three months from today. In the event that any dilatory tactics are adopted by the petitioner/accused, the respondent Police is directed to take steps to cancel the bail of the petitioner and ensure that the petitioner/accused is kept in confinement, with the trial being completed without further delay.

11. The respondent Police is directed to ensure that the victim girl and her family members are safe and free to move without any external pressure or influence from the petitioner/accused or anyone acting on his behalf. The Inspector of Police is directed to take immediate steps to disburse the compensation amount to which the victim girl is entitled under the Victim's Compensation Scheme. All concerned officials are to ensure the victim receives the compensation without further delay, within a period of three weeks from today.

sd/-
13/12/2024

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13/12/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO



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1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, 2012, SIVAGANGAI.

2 THE SUB INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1 THE DIRECTOR GENERAL OF POLICE
O/O.THE DIRECTOR GENERAL OF POLICE,
2ND FLOOR, MYLAPORE, CHENNAI - 600 004.

2 THE DISTRICT COLLECTOR, SIVAGANGAI DISTRICT.

ORDER
IN

CRL OP(MD) No.19378 of 2024

Date :13/12/2024

RS/IT/SAR-(13.12.2024) 7P 6C
Madurai Bench of Madras High Court is issuing
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