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Crl.O.P.No.34586 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.34586 of 2025

Mathiyazhagan

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
All Women Police Station,
Tiruthuraipoondi, Tiruvarur District.
(Crime No.19 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.19 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. D. Lakshmipathy

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 30.09.2025 for the offences punishable under Sections 5(l) and 5(n) r/w Section 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.19 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner herein is that, the petitioner is a neighbour of the victim girl and on 28.09.2025, when the victim girl went to the petitioner's house for taking some leaves, the petitioner called her inside and committed sexual assault on her; that when the victim girl informed the same to her mother, a complaint was lodged before the respondent police and the petitioner was subsequently arrested. Hence, this case

3. The learned counsel appearing for the petitioner submitted that on account of previous enmity, a false complaint has been lodged by the defacto complainant against the petitioner and he is in judicial custody since 30.09.2025; that the investigation of this case was completed and final report also filed by the respondent; and that the petitioner is ready to abide by any conditions that may be imposed by this Court, sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the victim girl is aged about 15 years and the petitioner herein has committed sexual assault on her; and that the investigation of this case was completed and final report filed, which is yet to taken on file.

5. Considering the submissions made on both sides, it is not the case of aggravated penetrative sexual assault, the fact that the investigation of this case completed and final report filed and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Sessions Court, Fast Track Mahila Court, Tiruvarur** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the



identity proofs to ensure their identity;

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[b] **the petitioner shall report before the Trial Court concerned daily at 10:30 a.m., for a period of four weeks and on all the hearing dates without fail;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.12.2025

stn

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without



insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Sessions Judge,
Sessions Court (Fast Track Mahila Court), Tiruvarur.
2. The Inspector of Police,
All Women Police Station,
Tiruthuraipoondi, Tiruvarur District.
(Crime No.19 of 2025)
3. The Superintendent,
District Prison, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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