



CRL OP(MD). No.1037 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1037 of 2025

Mariappan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City,
Madurai.
Crime No.47 of 2024

... Respondent/Complainant

For Petitioner : Mr.Niranjan S. Kumar

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.47 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.01.2025 under

Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.1037 of 2025

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2. The petitioner/ sole accused was arrested and remanded to judicial custody on 30.09.2024 for the alleged offences punishable under Sections 9(1) and 9(m) read with Section 10 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.47 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, who was working as a watchman at St.Antony's Middle School, Koodal Nagar, Madurai, sexually assaulted three girls studying in the 7th standard at the school. Hence the case.

4. Mr.Niranjan S.Kumar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 30.09.2024. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the victim girls have spoken about the sexual assault committed on them in the Statements recorded under Section 164 (3) of the Code of Criminal Procedure. No previous case is pending against the petitioner. Charge Sheet has been filed before the concerned Trial Court. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. This is the third bail petition. The petitioner was arrested on 30.09.2024 and is



CRL OP(MD). No.1037 of 2025

still in judicial custody. The statements of the victims have been recorded under Section 164(3) of the Code of Criminal Procedure. Charge Sheet also been filed before the concerned Trial Court. The petitioner has a permanent residence and deep roots in the society. Considering the nature of the case, the age of the petitioner and also considering the fact that the petitioner has no previous case, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall appear and sign before the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, weekly twice i.e., on



CRL OP(MD). No.1037 of 2025

Monday and Friday at 10:00 a.m., until further orders. The petitioner shall appear before the same Court on all hearing dates;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
07/02/2025

/ TRUE COPY /

07/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO
1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.



CRL OP(MD). No.1037 of 2025

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY,
MADURAI.

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

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-1500[I] dated 07/02/2025)

ORDER
IN
CRL OP(MD) No.1037 of 2025
Date :07/02/2025

SA/SAR. /07.02.2025/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.