



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.530 of 2025

Anantha Kalaiselvan,

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station- Palayamkottai,
Tirunelveli City.
Crime No. 45 of 2024.

... Respondent/Complainant

For Petitioner : Mr.Anantha Padmavasan
Senior Counsel
for Mr.Daniel Leo.A,
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 45 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 08.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Sole Accused was arrested and remanded to judicial custody on 29.10.2024 for the alleged offences punishable under Sections 5(L), 5(n), 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 296(b), 351(2) of the Bharathiya Nyaya Sanhita (BNS), 2023 and section 67 of the Information Technology Act, 2020 in Crime No.45 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner sexually assaulted the victim girl, who is aged about 17 years, at several times. Hence, the complaint.

4. Mr.N.Anantha Padmavasan, learned Senior Counsel for Mr.A.Daniel Leo, learned counsel on record appearing for the petitioner, would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 29.10.2024 and he is ready to abide by any stringent conditions



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that may be imposed by this Court. He would further submit that the alleged occurrence is said to have taken place on 31.03.2024, 31.05.2024 and 02.07.2024 but the matter was reported to the respondent Police on 28.10.2024. Hence, there is a delay of 3 1/2 months. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, would submit that the petitioner was working in the Police Department. He would contend that if the petitioner is released on bail, he may cause threat to the defacto complainant. He would further submit that the investigation has been completed and final report has been filed before the concerned Court. Hence, he prayed for dismissal of this petition.

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

7. The petitioner was arrested on 29.10.2024 and he has been in incarceration since 29.10.2024. On perusing the records, it reveals the fact that the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. With a view to give one more opportunity to reform himself, 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



Twenty Five Thousand Only) to the satisfaction of the learned Sessions Judge, Special
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Court for POCSO Act Cases, Tirunelveli;

(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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, 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 stay at Tirunelveli and appear and sign before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli daily at 10.00 a.m., and 05.00 p.m., until further orders;

(v) The petitioner should not enter into the residence of the defacto complainant until further orders;

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

(vii) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli 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/-
05/02/2025

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05/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION- PALAYAMKOTTAI,
TIRUNELVELI

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



+1 CC to M/s.A.DANIEL LEO, Advocate (SR-1379[I] dated 05/02/2025)

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ORDER
IN
CRL OP(MD) No.530 of 2025
Date :05/02/2025

NBF/ (05/02/2025) 6P / 6C

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