



CRL OP(MD). No.770 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.770 of 2025

Kalaiyarasan

... Petitioner/Petitioner

Vs

The State of Tamil Nadu,
Rep.By, (*)the Inspector of Police,
AWPS - Thirumayam,
Thirumayam Taluk,
Pudukottai District
(Crime No.6 of 2024).

... Respondent/Respondent

For Petitioner : Mr.M.K.Sachin Rahul, Advocate
for M/s.C.Arulvadivel Associates, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.06 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 03.08.2024 and was facing trial for the offences under Sections 5(1), 5(m), 5(n), 5(j)(ii) r/w. Section 6(1) of POCSO Amendment Act, 2019 and under Sections 342, 506 (i) of IPC in Spl.S.C.No.38 of 2024 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, seeks bail.

2. The case of the prosecution is that the petitioner committed sexual assault on the victim girl, who is aged about twelve years. Later, she became pregnant and she also delivered a child.

3. The petitioner filed the earlier bail application in Crl.O.P.(MD).No.18896 of 2024 and the same was dismissed by an order dated 14.11.2024. This is the second bail application filed before this Court mainly on the ground that the DNA report has been filed which shows that the petitioner is not the father of the child delivered by the victim girl.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that pursuant to the receipt of the DNA report, it came to light that more than one person is involved in this case and hence, steps are being taken by the prosecution to seek leave / permission of the Court to conduct further investigation in this case. He further submitted that the petitioner has filed a discharge petition



before the trial court and the same is pending.

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5. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely roped in this case which is evident from the DNA report that has been submitted by the Forensic Science Laboratory. He further submitted that the petitioner has suffered incarceration in this case from 03.08.2024.

6. Taking into consideration the facts and circumstances of the case and considering the DNA report that was placed before this Court and taking note of the age of the petitioner and also taking note of the fact that the petitioner has suffered incarceration from 03.08.2024 and also taking note of the fact that the respondent Police is now taking steps to conduct further investigation in this case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing 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 learned Sessions Judge, Mahila court, Pudukkottai and on further conditions that:-

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



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. and also shall appear before the Court below during every date of hearing without fail until further orders.

[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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
20/01/2025

(*)Amended as per Order of this Hon'ble Court
dt.24/01/2025 in CrI.MP(MD).1047/2025 in
CrI.OP(MD).770/2025.

/ TRUE COPY /

24/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TSG

TO BE SUBSTITUTED WITH THE ORDER DT.20/01/2025 IS ALREADY
DESPATCHED

To

1.The Sessions Judge,
Mahila Court, Pudukkottai.

2.The Inspector of Police,
Aranthangi AWPS Police Station,
Thirumayam Taluk,
Pudukkottai District.

3.The Inspector of Police,
AWPS - Thirumayam,
Thirumayam Taluk,
Pudukkottai District

4.The Officer Incharge,
Sub Jail, Pudukkottai District.

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

+1 CC to M/s.C.ARUL VADIVEL ASSOCIATES, Advocate (SR-510[I] dated
20/01/2025)

ORDER
IN

CRL OP(MD) No.770 of 2025

Date :20/01/2025

ED/ /SAR- (20/01/2025) 5P / 6C

PKN

SA/SAR. /24.01.2025/5P/7C

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