



CRL OP(MD) No.779 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2025

PRESENT

The HONOURABLE MR. JUSTICE **R. SAKTHIVEL**

CRL OP(MD). No.779 of 2025

Baskaran

... Petitioner/ Accused

Vs

The State of Tamilnadu Rep By
the Inspector of Police,
Mudukkulathur Police Station,
Ramanathapuram District.
In Crime No.274 of 2024.

... Respondent/ Complainant

For Petitioner : M/s.Na. Palaniyandi,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.274 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 09.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ accused was arrested and remanded to judicial custody on 25.11.2024 for the alleged offences punishable under Section 127(2) of Bharatiya Nyaya Sanhita (BNS) and Section 5(m) r/w 6 of POCSO Act in Crime No.274 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 24.11.2024 at 02.00 p.m, the petitioner sexually assaulted the victim girl, who is aged about 8 years. Hence the case.

4. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant are neighbors and they are residing in the same street. Due to civil dispute, a false case has been foisted against the petitioner and he is in judicial custody since 25.11.2024. He therefore prayed to grant bail to the petitioner.



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5. The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case, investigation is completed and charge sheet has been filed before the concerned Court. The petitioner is 61 years old and he committed sexual assault and therefore, he prayed to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 25.11.2024 and is in judicial custody. The petitioner has a permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Hence, considering the nature of offence and the period of incarceration and 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.20,000/-** (Rupees **Twenty Thousand only**) along with two sureties each for a like sum of Rs.20,000/- (Rupees **Twenty Thousand Only**) to the satisfaction of the learned Fast Track Mahila Court



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(Mahaleer Neethimandram), Ramanathapuram District. Among two sureties one shall be a blood surety.

(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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residence address and mobile number:

(iv) **The petitioner shall stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, Madurai, daily at 10.00 a.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;

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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].



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

conditions stated *supra*.

sd/-

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Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

LR

TO

1 THE JUDGE,
FAST TRACK MAHILA COURT(MAHALEER
NEETHIMANDRAM), RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
MUDUKKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

COPY TO:

THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-1342[I] dated 03/02/2025)



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ORDER
IN

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Date :03/02/2025

SS/SAR- /03/02/2025/ 6P/7C

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