



CRL OP(MD). No.924 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.924 of 2025

Naina Mohammed

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu
represented by the The Inspector of Police,
AWPS - Tiruchendur,
Thoothukudi District.
(Crime No.35 of 2024)

... Respondent / Complainant

For Petitioner : Mr.Dhilipan Pandian R.L
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.35 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 23.12.2024 for the alleged offences under Sections 7, 8, 9(m) & 10 of POCSO Act, 2012, in Crime No.35 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused person touched the victim girl in an inappropriate manner and thereby committed sexual assault.

3. Heard the learned counsel on either side and perused the material records of the case.

4. This Court had the advantage of going through the statement of the victim girl recorded under Section 183 of BNSS. The victim girl had specifically stated that she was playing and at that point of time, she fell down and the petitioner seems to have lifted her and had attempted to remove the sand from her knee and that was wrongly construed by others. The victim girl has stated that the petitioner did not behave in an inappropriate manner.

4. Taking into consideration the facts and circumstances of the case and

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considering the statement recorded from the victim girl and also taking note of the fact that the petitioner has suffered incarceration from 23.12.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on his 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 Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Thoothukudi District, 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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.



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[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/-
24/01/2025

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

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TO

1. The Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Thoothukudi District
2. The Superintendent,
District Prison, Thoothukudi, Thoothukudi District.
3. The Inspector of Police,
AWPS - Tiruchendur, Thoothukudi District.



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

ORDER
IN
CRL OP(MD) No.924 of 2025
Date :24/01/2025

RK(24/01/2025) 5P / 5C

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