



CRL OP(MD). No.1131 of 2025

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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.1131 of 2025

Badal Sarki,
S/o Dhanraj Sarki, No.00 Rajabhat Te,
Kalchini, Kalchini Post, Jalpaiguri
District, West Bengal 735 217.

... Petitioner/sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police, All
Women Police Station, Kovilpatti,
Thoothukudi District. Crime No. 09/2024.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatachalam,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

To enlarge the petitioner on bail in Spl S.C No. 177 of 2024 on the file of before the learned Sessions Judge (FAC) Special court for Exclusive trial of cases under POCSO Act, Thoothukudi



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 20.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner / sole accused was arrested and remanded to judicial custody on 21.07.2024 for the alleged offences punishable under Section 8 of POCSO Act, 2012 in Crime No.9 of 2024, on the file of the respondent police, seeks bail.

3. The case of the prosecution is that due to love affair, the petitioner herein has eloped with the victim girl, who is aged about 14 years and he had committed penetrative sexual assault on her. Hence, the complaint.

4. Mr.D.Venkatachalam, learned counsel appearing for the petitioner submitted that both the petitioner and the victim girl loved each other and that the petitioner herein has eloped with the victim girl, without knowing her age. He would further submit that the petitioner is an innocent person and he has been in judicial custody from 21.07.2025 and seeks bail.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent Police, submitted that the petitioner herein has committed aggravated penetrative sexual assault on the victim girl and the investigation in this case has already been completed and charge sheet has been filed



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before the concerned Court and the same has been taken on file in Spl.S.C.No.177 of 2024 and the case is posted for examination of the witnesses on 06.02.2025. He would further submit that the petitioner is a resident of West Bengal and if the petitioner is enlarged on bail there is a possibility for absconding. Hence, he opposed the grant of bail to the petitioner.

6. Heard both sides and perused the records.

7. Considering the nature and manner of offence as allegedly committed by the petitioner, if he is released on bail, he may cause threat to the witnesses, thereby, delaying the trial. In view of the above and the offence, which is alleged to have been committed by the petitioner, this Court is of the considered view that if the bail is granted to the petitioner, he may abscond and delay the trial. Hence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/02/2025

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/02/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO
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1. THE SESSIONS JUDGE (FAC) SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THOOTHUKUDI
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.1131 of 2025

Date :05/02/2025

RK/SKN (19/02/2025) 4P / 5C

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