



CRL OP(MD). No.2648 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Jerson

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
Crime No.9 of 2024.

... Respondent/Complainant

For Petitioner : Mr.S. Jebastin

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.9 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 10.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner/Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 451 of IPC and Sections 7 and 8 of POCSO Act, in Crime No.9 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 05.06.2024, at about 12.30 p.m., the petitioner/Sole Accused entered into the house of the defacto complainant and misbehaved with her elder daughter, aged 14 years, while the victim was alone in the house. Hence, the case.

4. Mr.S. Jebastin, learned counsel appearing for the petitioner submits that this is the fifth pre-arrest bail application of the petitioner. He, further, submits that the petitioner has not committed any offence as alleged by the prosecution and due to the previous enmity, a false case has been foisted against the petitioner. He, however submits that he is ready to obey the conditions if any imposed by this Court and he has no previous case. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the investigation is complete and charge sheet has been filed. He, further, submits that at this stage, if this Court grants pre-arrest bail to the petitioner, the petitioner may cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records. This Court has also perused the statement of the victim recorded by the learned Judicial Magistrate-1, Nagercoil.

7. The petitioner and the defacto complainant have some prior motive. Considering the same and considering the facts and circumstances of the case and also considering the fact that the investigation is complete and charge sheet has been filed, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judge, Special Court for POCSO Offence, Nagercoil, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand



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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, Judge, Special Court for POCSO Offence, Nagercoil;

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police weekly twice i.e., on Monday and Friday at 10.00 a.m., until further orders;

(iii) 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 Judge shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judge, Special Court for POCSO Offence, Nagercoil.

(v) The petitioner shall not enter into the Karungal village, where the defacto complainant and the victim girl are residing and shall not try to contact the defacto complainant or victim or their relatives pertaining to this case. Further, the petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and the victim and also witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judge, Special Court for POCSO Offence, Nagercoil, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if



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the aforementioned conditions are imposed by him as laid down by the Hon-ble
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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/-

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

APD

TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO OFFENCE, NAGERCOIL.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION COLACHEL,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2648 of 2025

Date :13/02/2025

SS/SKN/SAR- /20/02/2025/ 5P/4C

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