



CRL OP(MD) No.1469 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.1469 of 2025

Selvaganesh

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Pudukottai,
Thoothukudi District.
Crime No.16 of 2024.

... Respondent/Complainant

For Petitioner : Mr.B.Sudha Sathyanandh, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.16 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 16.11.2024 for the offences under Sections 5(1) and 6 of POCSO Act and Section 506(1) of IPC in Crime No.16 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a distant relative of the victim girl. On 24.12.2023, the petitioner is said to have sexually assaulted the victim girl, who was aged about 13 years at that relevant point of time. Thereafter, the petitioner is said to have threatened the victim girl and when the father of the victim girl questioned about the same, he was also attacked. The complaint ultimately came to be given on 12.11.2024 and based on the same, the FIR has been registered in this case. It is also brought to the notice of this Court that insofar the attack on the father of the victim girl, the complaint was given before the Ettaiyapuram Police Station and the investigation is pending.

3. Heard the learned Counsel appearing on either side.



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4. Taking into consideration the facts and circumstances of the case and considering the nature of relationship between the parties and taking note of the long delay in lodging the complaint in this case and also considering the fact that this petitioner has already suffered incarceration from 16.11.2024 and the investigation has already been completed and the police report has been filed before the concerned Court on 09.01.2025 and also taking note of the fact that there are no previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. 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, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, 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 **every Monday and**



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Friday at 10.30 a.m till the police report is taken on file and summons are issued to the petitioner and thereafter, the petitioner shall appear before the trial Court during every hearing date without fail.

[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 BNS 2023.

sd/-
27/01/2025

/ TRUE COPY /

27/01/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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LR
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TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.B. SUDHA SATHIYATH, Advocate (SR-897[I] dated 27/01/2025)

ORDER
IN
CRL OP(MD) No.1469 of 2025
Date :27/01/2025

SS/SAR- /27/01/2025/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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