



CRL OP(MD). No.1491 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.1491 of 2025

Rajesh

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Malaiyur Police Station,
Pudukottai District.
Crime No. 202/2024.

... Respondent/Complainant

For Petitioner : Mr D.Rameshkumar,
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.202 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.12.2024 for the offences under Section 137(2) of BNS (hereinafter referred to as new penal code) and Sections 5(1) r/w 6(1) of POCSO Amended Act, 2019 in Crime No.202 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.1491 of 2025

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2. The case of the prosecution is that the petitioner took away the victim girl when she was coming back from the school and thereafter, kidnapped her to Bangalore and had committed penetrative sexual assault against the victim girl.

3. Heard the learned Counsel appearing on either side.

4. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner who is aged about 20 years had a love affair with the victim girl and the steps were taken to get the victim girl married to someone else and also the fact that the victim girl insisted the petitioner to take her away from her house, which is evident from the statement recorded from the victim girl under Section 183 of BNSS and also considering the fact that this petitioner has already suffered incarceration from 24.12.2024, 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, Mahila Court (FAC), Pudukottai, 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



CRL OP(MD). No.1491 of 2025

Book to ensure their identity.

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

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
27/01/2025

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27/01/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.1491 of 2025

TO

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1 THE SESSIONS JUDGE, MAHILA COURT (FAC), PUDUKKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, MALAIYUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.1491 of 2025

Date :27/01/2025

RS/IT/SAR-(27.01.2025) 4P 5C

Madurai Bench of Madras High Court is issuing
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