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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2245 of 2025

Manikandan

... Petitioner/ Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Alwarkurichi Police Station,
Alwarkurichi, Tenkasi District.
Crime No.17 of 2025.

... Respondent/ Complainant

For Petitioner : Mr. N.Vignesh,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.17 of 2025 on the file of the Respondent-Police



ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 03.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 21.01.2025 for the alleged offences punishable under Sections 87 and 81 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.17 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's sister and the petitioner had a love affair with each other, and on 21.01.2025, when the defacto complainant's sister, who is aged about 17 years, was at her home, the petitioner forcibly took her on his bike and had sexual intercourse with her. Hence the case.

4. Mr.N.Vignesh, the learned counsel appearing for the petitioner, submits that the victim girl and the petitioner had a love affair with each other, and due to the unwillingness of the de facto complainant, who is the sister of the victim girl, she has lodged a false complaint against the petitioner. He further submits that the petitioner



is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 21.01.2025. He therefore prays to grant bail to the petitioner.

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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. side) appearing for the respondent-police, submits that exploiting the fact that there was a love affair between them, the petitioner took the victim girl from her home and had sexual intercourse with her. He further submits that, despite knowing that the victim girl is a minor, the petitioner tied a Thali on her on 21.01.2025. He further submits that the investigation of the case is still pending. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report and the statement of the victim girl recorded under Section 164(5) of Cr.P.C. [183(5) of BNSS].

7. The petitioner was arrested on 21.01.2025 and is still in judicial custody. On perusal of the statement of the victim girl, it is prima facie evident that both the petitioner and the victim had loved each other. The petitioner has permanent



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residence and deep roots in the society. Therefore, there is a less possibility of absconding. Considering the same and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Principal Sessions Judge, Thenkasi;

(ii) 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 Principal Sessions Judge, Thenkasi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;



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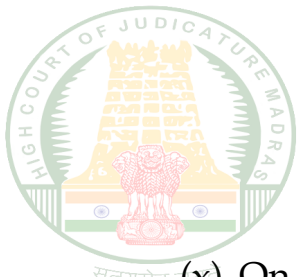
(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

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

(viii) The petitioner shall not try to contact the defacto complainant and the victim girl either directly or through any electronic mode;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and the victim girl and witnesses and shall not tamper the evidence; and



(x) On breach of any of the aforementioned conditions, the learned Principal Sessions Judge, Tenkasi is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble 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/-
20/02/2025

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20/02/2025
Sub-Assistant Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE PRINCIPAL SESSIONS JUDGE
TENKASI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
ALWARKURICHI, TENKASI DISTRICT.



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

+1 CC to M/s.N.VIGNESH, Advocate (SR-1882[I] dated 20/02/2025)

ORDER
IN

CRL OP(MD) No.2245 of 2025
Date :20/02/2025

ES/SKN/SAR /20.02.2025/7P/6C

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