



CRL OP(MD). No.2350 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2350 of 2025

Thiruppathi

... Petitioner/ Accused No.4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No. 48/2024.)

... Respondent/Complainant

For Petitioner : Mr.J.Mohamed Ibrahim, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime in Crime No. 48 of 2024 on the file of the Respondent Police.



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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 04.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.4 was arrested and remanded to judicial custody on 26.11.2024 for the alleged offences punishable under Sections 3(a), 4, 5(l) & 5(n) and 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.48 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner, along with the other accused persons, sexually assaulted the victim, who is aged about 16 years, on multiple occasions. Hence, the complaint. There are totally four accused persons in this case and the petitioner has been arrayed as Accused No.4.

4. Mr.J.Mohamed Ibrahim, learned counsel appearing for the petitioner, would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 26.11.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public



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Prosecutor appearing for the respondent police, would submit that there are two previous cases pending against the petitioner and they relate to IPC offences. He would further submit that the investigation is almost over. He would contend that if the petitioner is released on bail, he may cause threat to the defacto complainant and the victim. Hence, he prayed for dismissal of this petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 26.11.2024 and he has been in incarceration since 26.11.2024. On perusing the records, it reveals the fact that the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. With a view to give one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, 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.25,000/- (Rupees Twenty Five Thousand 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 Special Judge (F.A.C.), Special Court for exclusive trial of cases under POCSO Act, Thoothukudi;

(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 Special Judge (F.A.C.), Special Court for exclusive trial



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of cases under POCSO Act, Thoothukudi, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall stay at Virudhunagar Town and appear and sign before the learned Judicial Magistrate No.I, Virudhunagar, on all working days at 05.30 p.m., until further orders;

(v) The petitioner should not enter into Mullakadu Village, Thoothukudi District, till the completion of trial without obtaining prior permission from the learned Judicial Magistrate No.I, Virudhunagar;

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not try to contact the defacto complainant or her relatives either directly or through any electronic modes and shall not tamper the evidence; and

(vii) On breach of any of the aforementioned conditions, the learned Special Judge (F.A.C.), Special Court for exclusive trial of cases under POCSO Act, Thoothukudi 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
06/02/2025

/ TRUE COPY /

06/02/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Special Judge (FAC),
Special Court for exclusive trial of cases under POCSO Act,
Thoothukudi.

2.The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.

3.The Officer Incharge,
District Jail, Perurani,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1.The Judicial Magistrate No.I,
Virudhunagar.



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2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

+1 CC to M/s.J.MOHAMED IBRAHIM, Advocate (SR-1426[I] dated 06/02/2025)

ORDER
IN
CRL OP(MD) No.2350 of 2025
Date :06/02/2025

ED/ /SAR- (06/02/2025) 6P / 8C

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