



CRL.OP(MD). No.2369 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2369 of 2025

S.Samuvel

... Petitioner / sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thiruchuli All Women Police Station,
Virudhunagar District.
(Crime No.31 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.31 of 2025 on the file of the respondent-police.

For Petitioner : Mr.H.Raja

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

ORDER : The Court made the following order :-



CRL.OP(MD). No.2369 of 2025

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This Criminal Original Petition has been filed by the petitioner on 05.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 offence punishable under Sections 329 of Bharatiya Nyaya Sanhita, 2023 and 11(4) and 12 of POSCO Act, in Crime No.31 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant sent his daughter to his native place viz., Poomalaipatti Village. On 17.01.2025, when the defacto complainant's daughter was studying in upstairs with her aunt, the petitioner herein, who is the son of the defacto complainant's wife's sister, came there by wearing Mask, when he was identified by the relatives, he apologies for his mistake and thereafter, again he followed the victim girl. When the same was questioned in front his family members he told that the victim girl only invited him to her place. Hence, the case.

4. Mr.H.Raja, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was romantic relationship between the petitioner and the victim girl. He,



CRL.OP(MD). No.2369 of 2025

however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that both the victim and the petitioner are neighbors and the petitioner is following the victim girl under the guise of love. He further submits that no previous case is pending against the petitioner and it is a case in counter. However, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the nature of offence and the statement of victim recorded under Section 183 of BNSS and with a view to give an opportunity to reform himself, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Special Judge (POCSO) Court,



CRL.OP(MD). No.2369 of 2025

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Srivilliputur, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of 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 said Judge.

(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 (POCSO) Court, Srivilliputur, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not enter into the defacto complainant's house and now, where the victim girl resides and any study place such as school and tuition



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CRL.OP(MD). No.2369 of 2025

Vii) The petitioner shall also not, directly or in-directly cause threat to the defacto complainant and the victim girl and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Special Judge (POCSO) Court, Srivilliputur.

(ix) On breach of any of the aforementioned conditions, the learned Special Judge (POCSO) Court, Srivilliputur, or Trial Court, as the case may be, 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/-
17/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Special Judge (POCSO) Court, Srivilliputur,

<https://www.hmc.tn.gov.in/judis>



CRL.OP(MD). No.2369 of 2025

2.The Inspector of Police,
Thiruchuli All Women Police Station,
Virudhunagar District.

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

+1 cc to MR.H.RAJA ADVOCATE, SR NO: 10301

ORDER

IN

CRL OP(MD) No.2369 of 2025

Date :17/02/2025

trp

MK/SKN/05.03.2025 6P/5C

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