

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2503 of 2025

S.Kaliyaperumal

... Petitioner/Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. By the Sub Inspector of Police,
All Women Police Station,
Musiri, Tiruchirappalli District.
Crime No.39 of 2024

... Respondent/Respondent/Complainant

For Petitioner : Mr.M.Murali, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.39 of 2024 on the file of the respondent-police.



ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025 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 12.12.2024 for the alleged offences punishable under Section 332(c) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 9(c) and 10 of Protection of Children from Sexual Offences Act, 2012 in Crime No.39 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 10.12.2024, at about 01:30 p.m., when the defacto complainant's daughter, aged about 12 years and studying in the 8th standard, was alone in their house, the petitioner, who is a neighbour, knowing the absence of others in the house, came inside and misbehaved with her. Hence, the case.

4. Mr.M.Murali, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody since 12.12.2024. He therefore prays to grant bail to the petitioner.



WEB COPY

5. Mr.K.Sanjai Gandhi, the learned Government Advocate appearing for the respondent-police, on instructions, submits that the investigation has been completed and the respondent-Police is going to file charge sheet shortly. He further submits that victim girl is 12 years old and the petitioner is 50 years old. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Initially, the petitioner filed a Criminal Original Petition in Crl.O.P.(MD) No.32 of 2025 seeking bail, which was dismissed by this Court on 06.01.2025, stating that the investigation was pending. Subsequently, the petitioner filed another Criminal Original Petition in Crl.O.P.(MD) No.1262 of 2025 seeking bail, which was also dismissed on 23.01.2025 on the ground that the investigation was pending at the time of hearing. However, today, the learned Government Advocate (Crl. Side) submitted that the investigation has been completed and that the respondent-Police is going to file the charge sheet shortly. In view of the above facts and circumstances, and considering the fact that the petitioner has been in judicial custody for the past 60 days, as well as the nature of the offence allegedly committed by the petitioner, this



Court is inclined to grant bail to the petitioner, subject to certain conditions.

WEB COPY

Accordingly, bail is granted to the petitioner, subject to the following conditions:

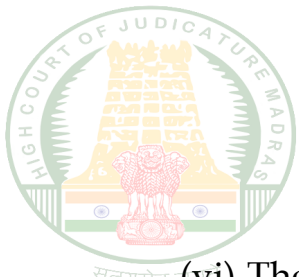
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judge, Mahila Court/Additional District and Sessions Court, Tiruchirappalli;

(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 Judge, Mahila Court / Additional District and Sessions Court, Tiruchirappalli 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 to the concerned Judicial Magistrate;

(iv) The petitioner shall appear and sign before the learned Judge, Mahila Court / Additional District and Sessions Court, Tiruchirappalli, on all working days at 10.30 a.m., until further orders;

(v) The petitioner shall not enter into the defacto complainant's locality i.e., Chithirapatti, Thuraiyur or her workplace until further orders;



WEB COPY

(vi) The petitioner shall not try to contact the defacto complainant or her family members either directly or through any electronic mode pertaining to this case;

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

(viii) On breach of any of the aforementioned conditions, the learned Judge, Mahila Court / Additional District and Sessions Court, Tiruchirappalli 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/-
13/02/2025

/ TRUE COPY /

13/02/2025
Sub-Assistant Registrar(AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi



TO
WEB COPY

- 1 THE JUDGE,
MAHILA COURT/ ADDITIONAL DISTRICT AND SESSIONS COURT,
TIRUCHIRAPPALLI.
- 2 THE OFFICER INCHARGE,
SUB JAIL, MUSIRI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MURALI, Advocate (SR-1625[I] dated 13/02/2025)

ORDER
IN

CRL OP(MD) No.2503 of 2025

Date :13/02/2025

ES/SKN/SAR/13.02.2025/6P/6C

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