



CRL OP(MD). No.3347 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sivasankar, ... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
AWPS Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.13 of 2021

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R L,
Advocate

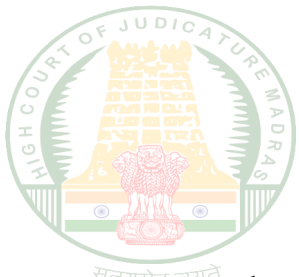
For Respondent : Mr,K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PRAYER :-

To enlarge the petitioner /Accused on bail in SPL.SC No.04 of 2022 before the Learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur District and in Crime no.13 of 2021 pending investigation 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 19.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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सत्यमेव जयते
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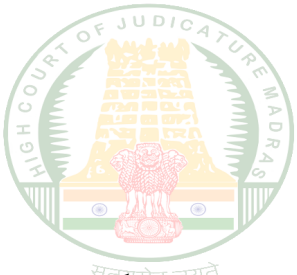
2. The petitioner/ Sole Accused was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 21.01.2025. The petitioner is facing trial in SPL.SC No.04 of 2022 on the file of the learned Principal Special Judge for Exclusive Trial of Cases under POCSO Act, Thanjavur District for the offences punishable under Sections 6 r/w 5(n) of POCSO Act and Section 506(i) of IPC in connection with Crime No.13 of 2021 on the file of the respondent-Police.

3. The case of the prosecution is that the petitioner herein is said to have committed aggravated penetrative sexual assault on the victim girl and caused criminal intimidation. Hence, the complaint.

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner, submits that the petitioner is in no way connection with the said offence. He further submits that the petitioner has been falsely implicated in this case. He further submits that due to non-appearance of the petitioner before the trial Court on 23.05.2023, non bailable warrant was issued against the petitioner on 23.05.2023 and the same was executed on 21.01.2025. He further submits that the petitioner has been in judicial custody since 21.01.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-police, submits that the case is posted for defence

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side arguments on 17.03.2025. At this stage, if bail is granted to the petitioner, he may abscond and thereby, delay the trial proceedings. Hence, he opposes to grant bail to the petitioner.

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

7. The petitioner is the sole accused in SPL.SC No.04 of 2022 on the file of the learned Principal Special Judge for Exclusive Trial of Cases under POCSO Act, Thanjavur District. When the case was posted for pronouncing judgment on 23.05.2023, the petitioner did not appear before the trial Court. Hence, non bailable warrant issued against the petitioner on 23.05.2023. Thereafter, he was declared as Proclaimed offender on 11.07.2024. The respondent-Police executed the non bailable warrant on 21.01.2025, by arresting the petitioner. It is seen that the case is now posted for defence side arguments on 17.03.2025. It is further observed that if the petitioner is released on bail, he may cause threat to the defacto complainant and the victim girl.

8. Considering the above, and considering the fact that if bail is granted to the petitioner, he may abscond and thereby delay the trial proceedings and keeping in mind the interests of the victim girl, this Court is not inclined to grant bail to the petitioner at this stage.



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9. Accordingly, the Criminal Original Petition stands dismissed.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1.The Inspector of Police,
AWPS Thiruvaiyaru Police Station,
Thanjavur District.
- 2.The Officer in Charge,
District Jail,
Thanjavur District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.3347 of 2025

Date : 07/03/2025

SL(25.03.2025)/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.