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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).2690 of 2025

Praveenkumar

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.
(Crime No.148 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in
Crime No.148 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Prasanna Rajadurai,
Advocate.

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



ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 28.01.2025 for the alleged offences punishable under Sections 363 of IPC and 5(l), 5(n), 5(j)(ii) and 6(1) of POCSO (Amendment) Act, 2019, in Crime No.148 of 2024 on the file of the respondent-police.

3. Mr.A.Prasanna Rajadurai, 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. He further submits that the petitioner has been in judicial custody since 28.01.2025. He further submits that the petitioner and the victim girl are in love with each other. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



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4. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that this is the second time, the petitioner has taken away the victim girl and committed offence. Previously, the petitioner had taken the victim girl, and after a police complaint was lodged in Crime No.46 of 2024, the police secured her and placed in her parent's custody. However, the same incident has occurred again, and on examination, it was found that the victim girl has become pregnant. The learned Government Advocate (Criminal Side), therefore, contends that if the petitioner is released on bail, there is a chance to commit the offences once again and to cause a threat to the defacto complainant as well as the victim girl. Accordingly, he prays for the dismissal of this petition.

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

6. The petitioner was arrested on 28.01.2025 and he has been in incarceration since 28.01.2025. On perusal of the statement recorded from the victim girl under Section 164(5) of the Code of Criminal Procedure, it reveals that the petitioner and the victim girl are in love with each other. Considering the above facts and also the fact that the victim girl has now attained the age of majority, 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:



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(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 Sessions Judge, Mahila Court at Pudukkottai.

(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 Sessions Judge 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 weekly twice i.e., on Monday and Friday at 10.00 a.m. until further orders.

(iv) The petitioner shall not enter into the defacto complainant's house or her work place;

(v) The petitioner shall furnish his residence address and mobile number to the concerned Special Court under POCSO Act Cases.



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

(vii) On breach of any of the aforementioned conditions, the learned Sessions Judge 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].

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

Sd/-
13/02/2025

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

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TO
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- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE,
THIRUKOKARNAM POLICE STATION,
PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2690 of 2025
Date :13/02/2025

ES/SKN/SAR/13.02.2025/6P/5C

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