



CRL OP (MD) No.3037 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3037 of 2025

Thangadurai

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
Crime No.39 of 2024

... Respondent/ Complainant

For Petitioner : Mr.S.Vishnuvardhan

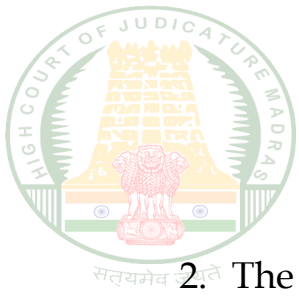
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- 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 14.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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2. The petitioner/A2 was arrested and remanded to judicial custody on 02.04.2024 for the alleged offences punishable under Sections 366 of IPC and Sections 5(1), 5(n), 6, 7, and 8 of POCSO Act, in Crime No.39 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the victim, 17 years old, resided at the petitioner's house, who is her aunt's husband. On 04.03.2023, at about 02:00 p.m., while the victim was alone in the house, the petitioner (A2) sexually assaulted her by means of threats. After completing her school education, the defacto complainant brought the victim to Salem, where Accused No.1 had a relationship with her. The victim disclosed the petitioner's (A2) sexual assault to A1. On learning the relationship between the victim girl and A1, the defacto complainant brought the victim to Thoothukudi. Subsequently, on 03.02.2024, A1 traveled to Thoothukudi and abducted the victim to Tiruppur. There, on 06.02.2024, at about 11:00 p.m., A1 sexually assaulted her. Hence, this case.

4. Mr.S.Vishnuvardhan, the learned counsel appearing for the petitioner, submits that this is the fourth bail application of the petitioner. He further 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 investigation is complete and the respondent-police filed the Final Report and the same was also taken on file by



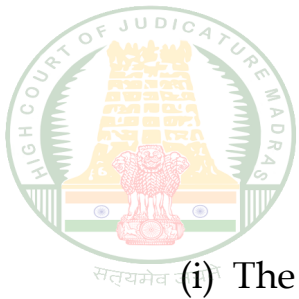
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the Special Court for Exclusive Trial of Cases in POCSO Act, Thoothukudi as
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Spl.S.C.No.97 of 2024. He further submits that the petitioner has been in judicial custody since 02.04.2024 i.e., nearly 10 months. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the trial commenced and the victim was examined as P.W.1 and now, the case is posted on 03.03.2025 for further prosecution side evidence. In this circumstances, if the petitioner is granted bail, he may cause threat to the witnesses and also to the victim. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records and also the First Information Report.

7. The petitioner was arrested on 02.04.2024 and he has been in prison for nearly 10 months. The trial commenced and the victim was examined as P.W.1 and also the case is posted on 03.03.2025 for further prosecution side evidence. Considering the same and also considering the period of incarceration and the stage of the case, 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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi;

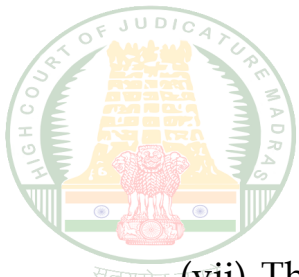
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not enter into the house or work place of the defacto complainant and the victim girl;

(vi) 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 or tamper with the evidence;



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(vii) The petitioner shall also not directly or indirectly cause any threat to the defacto complainant, victim girl, her family members and the witnesses;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Special Judge, the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi;

(ix) The petitioner shall appear and sign before the learned Special Judge, the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, on all working days at 10.30 a.m., until further orders.

(x) The petitioner shall appear before the learned Special Judge, the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi on all hearing dates whenever required by the Court;

(xi) The petitioner shall not try to contact the defacto complainant and the victim girl either directly or through any electronic mode; and

(xii) On breach of any of the aforementioned conditions, the learned Special Judge, The 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
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conditions stated supra.

sd/-
28/02/2025

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28/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.3037 of 2025
Date :28/02/2025

SA/SAR. /28.02.2025/7P/5C

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