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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3118 of 2025

Maheshwaran

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.
Crime No.2 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Daniel Leo,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2025 on the file of the respondent-police.



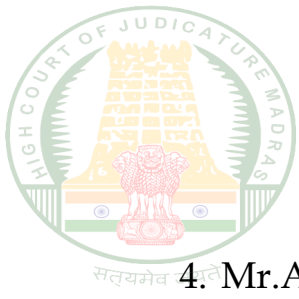
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 5(n), (l) read with Section 6(1) of Protection of Children from Sexual Offences Act, 2012 in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and victim girl loved each other. The victim girl was studying in the 10th standard. On 07.11.2024, at about 09.00 p.m., the petitioner took the victim girl to a newly constructed building and sexually assaulted her. Thereafter, the petitioner sexually assaulted her for many times. The victim girl conceived. On knowing this, the victim girl was taken to the Government Hospital by her family for abortion. Hence, the case.



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4. Mr.A.Daniel Leo, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against him. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that during the relevant point of time, the victim girl was aged about 15 years and the petitioner was aged about 21 years. He further submits that they are distant relatives. He further submits that the petitioner committed aggravated penetrative sexual assault on the victim girl and that the medical examination of the victim girl is over and report is yet to be received and the petitioner's medical examination is pending due to his non-appearance. He therefore, submits that if the pre-arrest bail is granted to the petitioner, he may abscond and may not appear for medical examination. Therefore, he prays to dismiss this Criminal Original Petition.

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



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7. It is stated that only the medical examination of the victim girl has been done and the medical examination of the petitioner has not been done due to his non-appearance. Hence, this Court is of the view that the custodial interrogation of the petitioner is necessary for the investigation agency and if pre-arrest bail is granted to the petitioner, he will cause threat to the victim girl and other witnesses, thereby delay the trial proceedings. Hence, this Court is not inclined to grant an order of pre-arrest bail. Therefore, the Criminal Original Petition is dismissed.

Sd/-
21/02/2025

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

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TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION PUDUKOTTAI,
PUDUKOTTAI DISTRICT.

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



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

ORDER IN
CRL OP(MD) No.3118 of 2025
Date :21/02/2025

ES/SKN/SAR/12.03.2025/5P/3C

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