



CRL OP(MD) No.3217 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3217 of 2025

Ranjith Kumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.474 of 2021

... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.474 of 2021 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 18.02.2025 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

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



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on 27.01.2025 based on the non-bailable warrant issued against him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Dindigul, in Spl.S.C.No.82 of 2023, for the alleged offences punishable under Section 363 of Indian Penal Code, 1860 and under Section 5(1) read with Section 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.474 of 2021 on the file of the respondent-police.

3. The case of the prosecution is that on 04.08.2021, the petitioner committed aggravated penetrative sexual assault on the victim girl, who was aged about 16 years. Initially, based on the complaint given by the defacto complainant, the father of the victim girl, the case was registered as 'girl missing case'. On investigation, it was found that the petitioner has committed the above offence.

4. Mr.V.Muthumani, the learned counsel appearing for the petitioner, submits that the petitioner and the victim girl had a love affair with each other, and that during the pendency of the trial proceedings, the victim girl attained the age of majority and the petitioner married the victim girl. He further submits that the petitioner was indeed unaware of the date of the hearing and therefore, he has not appeared on that day. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays to grant bail to the petitioner.



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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that this is the fourth NBW, which was issued by the Trial Court on 19.03.2024, and the same was executed on 27.01.2025. He further submits that the non-appearance during the trial before the trial court would amount to delaying the trial proceedings. Therefore, if the petitioner is released on bail, he may not appear again before the trial court, thereby further delaying the trial proceedings. He concedes that the petitioner married the victim girl during the pendency of the trial proceedings. However, he prays to dismiss this Criminal Original Petition.

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

7. When the case was posted before the Trial Court on 05.06.2023, the petitioner did not appear. Hence, NBW was issued. On 26.07.2023, the petitioner surrendered before the Trial Court and re-called the warrant. On 02.08.2023, the father of the victim was examined as PW1, and Exs.P1 and P2 were marked. The case was adjourned to 29.08.2023. On that day, the petitioner did not appear before the Trial Court. Hence second NBW was issued and the same was re-called on 30.10.2023. Thereafter, on 29.11.2023, the petitioner did not appear. Hence, third time NBW was issued against the petitioner by the Trial Court. On 14.12.2023, the petitioner surrendered and re-called the aforesaid warrant. Again on 07.03.2024, the petitioner



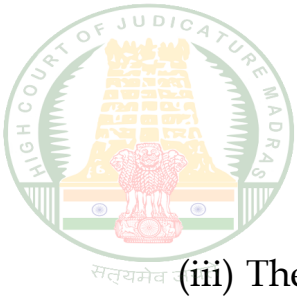
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did not appear. Hence, NBW was issued for the fourth time and the same was executed on 27.01.2025. Accordingly, the petitioner has been in prison since 27.01.2025.

8. In view of the fact that the petitioner married the victim girl during the pendency of trial proceedings and considering the claim of the petitioner that due to unaware of the hearing dates, he has not appeared before the trial court and with a view to give one more opportunity to the petitioner to appear before the trial court, 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:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul;

(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, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul shall obtain a copy of any one of identity proofs to ensure their identity;



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(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 directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the concerned Sessions Judge;

(vii) The petitioner shall appear and sign before the Trial Court on all hearing dates, without fail;

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

(ix) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul 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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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
20/02/2025
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20/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.
- 2 THE INSPECTOR OF POLICE, KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.MUTHUMANI, Advocate (SR-1887[I] dated 20/02/2025)

ORDER IN
CRL OP(MD) No.3217 of 2025
Date :20/02/2025

RS/IT/SAR-(20.02.2025) 6P 6C
Madurai Bench of Madras High Court is issuing
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