



CRL OP (MD) No.3251 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mahendran

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Singampurari Police Station,
Sivagangai District.
Crime No.302 of 2024

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.302 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 19.02.2025



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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 on 24.10.2024 for the alleged offences punishable under Sections 5(l), 5(j)(ii) and 6 of POCSO Act, 2012 and Section 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No. 302 of 2024 on the file of the respondent-police.

3. The prosecution's case is that on 24.10.2024, the defacto complainant lodged a complaint stating that her daughter, who was about 17 years old at that time, had been continuously sexually assaulted by the petitioner, who is about 42 years old, since 2022, and as a consequence, the minor victim girl became pregnant and gave birth to a male child. Hence, the case.

4. Mr.K.Dinesh, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and has not committed the offence as alleged by the prosecution. He further submits that, in fact, the victim girl had a love affair with another man, and as a result of their relationship, she became pregnant and gave birth to a boy child. He further submits that the victim girl and the defacto complainant, who is the mother of the victim, had cut the child's neck with the intention to murder him, due to which a case was registered in Crime No. 300 of 2024 on the file of the respondent-police for the offence under Section 109(1) of the



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Bharatiya Nyaya Sanhita, 2023 and thereafter, the child is under the care and custody of the Government Home. He further submits that due to this enmity, a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 24.10.2024, i.e., 129 days. 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.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation is complete and charge sheet was filed. He further submits that the learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Sivagangai, took cognizance against the petitioner in Spl.S.C.No.11 of 2025. He further submits that DNA report is awaited and at this stage, if this Court grants bail to the petitioner, he may cause threat to the defacto complainant, victim girl and also the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 24.10.2024 and has been in judicial custody. The statement of the victim has also been recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, this Court is of the view that the further custody of the petitioner may not be necessary in this case. Considering the same and



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also considering the nature of offences allegedly committed by the petitioner, the period of incarceration, and the fact that the final report was filed and the same was taken on file by the learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Sivagangai as Spl.S.C.No.11 of 2025, 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.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, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Sivagangai;

(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, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Sivagangai, 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;



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(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 him 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 learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Sivagangai;

(vii) The petitioner shall stay at Palladam, Thiruppur and appear and sign before the Inspector of Police, Palladam Town Police Station daily at 9.00 a.m., until further orders;

(viii) The petitioner shall not enter into Singampunari Village, Sivagangai, until further orders;

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



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(x) On breach of any of the aforementioned conditions, the learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Sivagangai 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].

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

sd/-

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Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT OF EXCLUSIVE TRIAL
OF CASES UNDER THE POCSO ACT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.



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4 THE INSPECTOR OF POLICE

PALLADAM TOWN POLICE STATION, TIRUPPUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SHEENIVASAN, Advocate (SR-2445[I] dated 05/03/2025)

ORDER

IN

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Date :05/03/2025

SS/SAR- /05/03/2025/ 7P/7C

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