



CRL OP(MD) No.3345 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3345 of 2025

Sivaranjini

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.
Crime No.7/2025.

... Respondent/Complainant

For Petitioner : Mr. B.Azhagesh
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

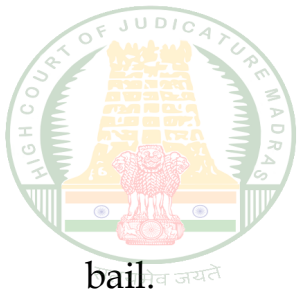
PRAYER :- For Bail in Crime No.7/2025 on the file of the respondent- Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 19.02.2025

under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant

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



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2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 01.02.2025 for the offences punishable under Sections 5(l), 5(j)(ii), 5(k), 5(n), 6 and 17 of Protection of Child from Sexual Offences Act, 2012, in Crime No.7 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that 01.02.2025, upon receiving information, the defacto complainant, the District Child Protection Officer, through a staff member, enquired the victim, a 15-year-old girl with mental retardation, who was admitted to the Government Medical College Hospital, Dindigul. During the enquiry, the victim's mother stated that the first accused, the husband of the petitioner/ A2 (the sister of the victim girl), had engaged in sexual intercourse with the victim, resulting in her pregnancy. Upon questioning, the petitioner/victim's sister (A2) stated that because the victim has mental retardation, she believed no one would marry her, and therefore, she consented to her husband (A1) having sexual intercourse with her sister. During the enquiry, the victim informed the defacto complainant that her sister's husband had engaged in such acts. Hence, the case.

4. Mr.N. Azhaesh, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since



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01.02.2025. He therefore prays to grant bail to the petitioner.

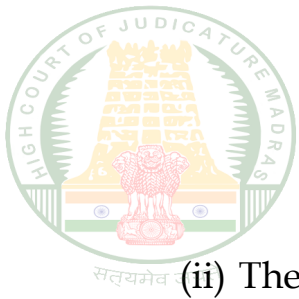
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5. Mr.K. Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is none other than the sister of victim girl and the investigation of the case is pending. He further submits that, if the petitioner is enlarged on bail, she will cause threat to the defacto complainant, the victim girl and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the fact that the victim girl is none other than the sister of the petitioner, this Court is of the view that the further custody of the petitioner is not necessary in this case. The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration, 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 Special Judge for POCSO Cases, Dindigul.



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(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 for POCSO Cases, Dindigul, 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 she is accused, or suspected, of the commission of which she 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall also not directly or indirectly cause threat to the defacto complainant, victim girl and the mother of the victim girl;

(vii) The petitioner shall furnish her residential address and mobile number to the learned Special Judge for POCSO Cases, Dindigul.

(viii) The petitioner shall appear and sign before the respondent -Police daily at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, learned Special Judge



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for POC SO Cases, Dindigul, is entitled to pass appropriate orders against the
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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/-
26/02/2025

/ TRUE COPY /

27/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE SPECIAL JUDGE FOR POC SO CASES,
DINDIGUL.
- 2 THE OFFICER INCHARGE,
WOMEN SUB JAIL,
NILAKOTTAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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WEB COPY +1 CC to M/s.B.AZHAGESH, Advocate (SR-2154[I] dated 26/02/2025)

ORDER
IN

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Date :26/02/2025

SA/SAR. /27.02.2025/6P/6C

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