



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3648 of 2025

Subramanian

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
AWPS, Illuppur,
Pudukkottai District.
Crime No.1 of 2025

... Respondent/Complainant

For Petitioner : Mr.P.Pagalavan

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.1 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 24.02.2025



under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant
WEB COPY
bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 12.01.2025 for the alleged offences punishable under Sections 332, 64(2)(k) and 62 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 11.01.2025, at about 2:10 p.m., when defacto complainant went to a nearest shop, knowing that the defacto complainant's daughter, who is a mentally challenged person, the petitioner trespassed into the defacto complainant's house and attempted to rape the victim girl. Hence the case.

4. Mr.P.Pagalavan, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner, who had gone to attend a funeral near the house of the defacto complainant, asked for water to drink at the victim's house, and that based on the false statement of a neighbouring woman, the defacto complainant has lodged a false case against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in judicial custody since 12.01.2025. He therefore prays to grant bail to the



petitioner.

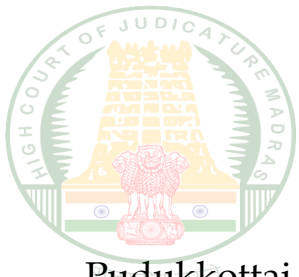
WEB COPY

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the victim girl is a mentally challenged person, and knowing this, when the defacto complainant was not present at the house, the petitioner trespassed into the residence and attempted to rape the victim girl. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report and the statement of the victim recorded with the help of the tutor.

7. To be noted, the victim girl is a mentally challenged person. The petitioner was arrested on 12.01.2025 and has been in judicial custody. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and taking note of 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 Judicial Magistrate, Illuppur,



Pudukkottai District;

WEB COPY

(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 Judicial Magistrate, Illuppur, Pudukkottai District 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;

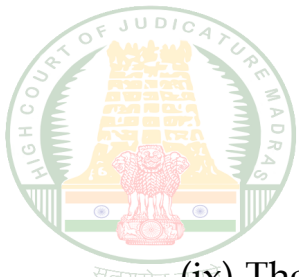
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not 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 Judicial Magistrate, Illuppur, Pudukkottai District;

(vii) The petitioner shall stay at Illuppur and appear and sign before the respondent-police daily at 06.00 p.m., until further orders;

(viii) The petitioner shall not enter into Annavasal Village until further orders;



WEB COPY

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

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

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Illuppur, Pudukkottai District 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/-
04/03/2025

/ TRUE COPY /

04/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

1 THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

<https://www.tnmc.in.gov.in/judis>



3 THE OFFICER INCHARGE,
PUDUKKOTTAI PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
AWPS, ILLUPPUR,
PUDUKKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.3648 of 2025
Date :04/03/2025

NBF/SAR/ (04/03/2025) 6P/6C

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