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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.3645 of 2025

Benjamin

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Sattur A.W.P.S.,
Virudhunagar District.
(In Crime No. 3 of 2025)

... Respondent/Complainant

For Petitioner : Ms.C. Geetha
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.3 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 24.02.2025 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 on 24.01.2025 for the offences punishable under Sections 5(m), 5(u) and 6 of POCSO Act, 2012 and Section 65(2) of BNS, 2023 in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner/sole accused, aged about 70 years, went to the house of the victim girl, aged about 7 years, to inform about the prayer. Noticing that nobody was at home, the petitioner went to the victim girl's room and misbehaved with her. Thereafter, the petitioner gave Rs.10/- to the victim girl and also instructed her not to disclose the matter to anyone before leaving. Hence, the case.



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4. Ms.C.Geetha, 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. She further submits that the petitioner is a Tuberculosis patient and he has been in judicial custody since 24.01.2025. She however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. She therefore prays to grant bail to the petitioner.

5. Mr.K. Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is admitted in the hospital and is receiving treatment in jail. He further submits that, if the petitioner is enlarged on bail, he will cause threat to the defacto complainant, the victim girl and the 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 petitioner is taking treatment in the jail and also considering the period of incarceration, this Court is of the view that the further custody of the petitioner is not necessary in this case. The petitioner has permanent



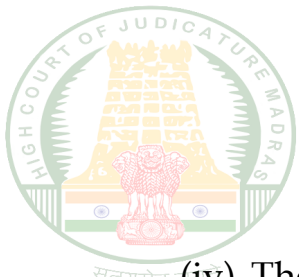
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residence and therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. 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 exclusive trial of cases under POCSO Act, Srivilliputur.

(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 exclusive trial of cases under POCSO Act 2012, Srivilliputur, 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.



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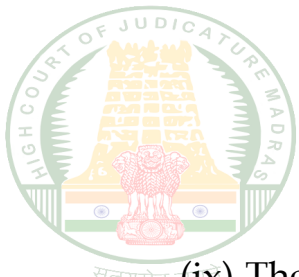
(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.

(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 also not directly or indirectly cause threat to the defacto complainant, the victim and family members.

(vii) The petitioner shall furnish his residential address and mobile number to the learned Special Judge for exclusive trial of cases under POCSO Act, Srivilliputtur.

(viii) The petitioner shall not enter into the Sippiparai Village, Vembakottai Taluk, until further orders. The petitioner shall stay at Chennai and appear and sign before the Inspector of Police, F2 Police Station, Egmore daily at 10.00 am until further orders.



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(ix) The petitioner should not contact the defacto complainant or the victim girl or her family members until further orders.

(x) On breach of any of the aforementioned conditions, the learned Special Judge for exclusive trial of cases under POCSO Act, Srivilliputtur 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/-
26/02/2025

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26/02/2025
Sub-Assistant Registrar(CS-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
SRIVILLIPUTTUR.

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



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2 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

3 THE INSPECTOR OF POLICE,
SATTUR A.W.P.S.,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE
F2 POLICE STATION, EGMORE.

ORDER
IN

CRL OP(MD) No.3645 of 2025

Date :26/02/2025

ES/SAR /26.02.2025/7P/6C

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