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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).3741 of 2025

S.Gunal

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
All Women Police Station,  
Kadambur,  
Thoothukudi District.  
(Crime No.4 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in  
Crime No.4 of 2025 on the file of the respondent-police.

For Petitioner : Mr.I.Pinaygash,  
Advocate

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

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 25.02.2025



under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to  
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grant bail.

2. The petitioner / sole accused was arrested and remanded to judicial custody on 05.02.2025 for the alleged offences punishable under Sections 7 and 8 of POCSO Act, in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.02.2025, the victim girl, who is aged about 15 years, was subjected to sexually assaulted and harassed by the petitioner / sole accused. Hence, the case.

4. Mr.I.Pinaygash, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 05.02.2025. He further submits that the petitioner and the victim girl are relatives. 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 (Criminal Side) appearing for the respondent police, submits that the petitioner is aged about 22 years and the victim girl is aged about 15 years. He further submits that the accusations against the petitioner are grave in nature. Therefore, he, vehemently



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opposes to grant bail to the petitioner by stating that if the petitioner is released on bail, he will cause threat to the victim girl and her family members. Accordingly, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused the FIR, the statement recorded from the victim girl under Section 183 of BNSS, 2023 and all other materials available on record.

7. The petitioner was arrested on 05.02.2025 and he is in incarceration since 05.02.2025. Considering the facts and circumstances of the case, the offence alleged against the petitioner and also considering the period of incarceration and taking into account the age of the petitioner and the relationship between the parties, 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 Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

(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 shall obtain a copy of any one of



identity proofs to ensure their identity.

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(iii) The petitioner shall appear and sign before the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, on all working days at 10.30 a.m. until further orders.

(iv) The petitioner shall appear on all hearing dates before the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, when the Court requires his appearance.

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vi) 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.

(vii) 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.

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

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act,



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Thoothukudi.

(x) The petitioner shall not enter into the defacto complainant's village viz., Kothali Village, Thoothukudi District, until further orders.

(xi) The petitioner shall not try to contact the defacto complainant, victim girl and her family members either directly or through any electronic mode.

(xii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court 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/-  
27/02/2025

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27/02/2025  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

pal  
TO

1 THE SPECIAL JUDGE,  
EXCLUSIVE TRIAL UNDER POCSO ACT CASES, THOOTHUKUDI.



2 THE OFFICER INCHARGE,  
DISTRICT JAIL, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KADAMBUR,  
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.I.PINAYGASH, Advocate ( SR-2186[I] dated 27/02/2025 )

ORDER  
IN  
CRL OP(MD) No.3741 of 2025  
Date :27/02/2025

NBF/SAR/ (27/02/2025) 6P/6C

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