



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3743 of 2025

Uma Maheswaran

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai.
Cr. No.53 of 2024.

... Respondent/Complainant

For Petitioner : Mr.L.Prabhu
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

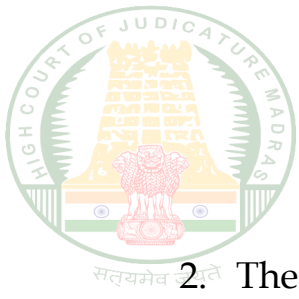
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 53 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 25.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.



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2. The petitioner/Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 7, 8, 11(4) and 12 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.53 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that on 22.11.2024, one Visalakshi, the petitioner's wife, who is living separately, contacted the defacto complainant to meet her. When they met on 22.11.2024, at about 6.00 p.m., the said petitioner's wife gave one pen drive, belonging to her husband and told that in that video, her husband pushed the daughter of the defacto complainant in bed and sexually assaulted her. On enquiry, the daughter of the defacto complainant/victim told that the said occurrence happened when she was studying in 9th standard, in the year 2022 and since the petitioner called the victim girl over phone, stating that his sister had called the victim girl, she went to the petitioner's house. Based on the statement of the victim, the defacto complainant lodged the complaint. Hence, this case.

4. Mr.L.Prabhu, the learned counsel appearing 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 a false case has been foisted against the petitioner. He further submits that due to the instigation of the wife of the petitioner, who is living separately, the defacto complainant lodged a false complaint against the



petitioner. He however submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the statement of the victim was recorded under Section 183 of the Bharatiya Nagarik Suraksh Sanhita (BNSS), 2023. He further submits that the investigation is complete and the Investigating Agency is going to file charge sheet shortly. However, he prays to dismiss this Criminal Original Petition.

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

7. As the statement of the victim was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the investigation is complete and the Investigating Agency is going to file charge sheet, this Court is of the view that the custodial interrogation of the petitioner may not be necessary. Considering the same and also considering the facts and circumstances of the case, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Special Judge, Special Court for POCSO Act Cases, Madurai, within a period of 15 days from the date on which the order copy is



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made ready, on executing a bond for a sum of 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 Special Judge, Special Court for POCSO Act Cases, Madurai;

(ii) Thereafter, the petitioner shall appear and sign before the learned Special Judge, Special Court for POCSO Act Cases, Madurai, on all working days at 10.30 a.m.;

(iii) 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, Special Court for POCSO Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Special Judge, Special Court for POCSO Act Cases, Madurai;

(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) 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;

(vii) The petitioner shall not leave India without previous permission of the



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(viii) The petitioner shall not enter into the house or work place of the defacto complainant;

(ix) The petitioner shall not try to contact the victim girl and the defacto complainant;

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

(xi) On breach of any of the aforementioned conditions, the learned Special Judge, Special Court for POCSO Act Cases, Madurai, or Trial Court as the case may be, 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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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



apd
TO
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- 1 THE SPECIAL JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
MADURAI.
 - 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SAMAYANALLUR, MADURAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.L.PRABHU, Advocate (SR-2210[I] dated 27/02/2025)

ORDER
IN
CRL OP(MD) No.3743 of 2025
Date :27/02/2025

NBF / SKN /SAR- (19/03/2025) 6P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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