



CRL OP (MD) No.3798 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sahirsha
(Wrongly mentioned as
M S Sha in FIR)

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
AWPS Thilagar Thidal Police Station,
Madurai City, Madurai.
Crime No.8 of 2024

... Respondent/ Complainant

For Petitioner : Mr.T.Lajapathy Roy, Senior Advocate
for Mr.K.Althaf Sheriff, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.8 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 26.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 13.01.2025 for the alleged offences punishable under Sections 11(1), 11(4), 12 and 17 of the Protection of Child from Sexual Offences Act, 2012, and Section 201 of IPC, in Crime No.8 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is the father of the victim girl, while checking the mobile phone of the victim girl, found that the petitioner was in regular contact with his daughter through whatsapp and sent sexual messages and dirty pictures to his daughter and also came to know that A2, who is the wife of the defacto complainant, also induced the victim girl to have a relationship with the petitioner. Hence the case.

4. Mr.T.Lajapathy Roy, the learned Senior Counsel appearing for the petitioner, submits that the petitioner is innocent person, and he has not committed any offence as alleged by the prosecution. He further submits that, in fact, A2, the mother of the victim girl, has lodged a complaint against the defacto complainant for misbehaving with her daughter, and an FIR in Crime No.13 of 2024 was registered for offences punishable under Sections 11(1), 11(2), and 12 of the Protection of Children from



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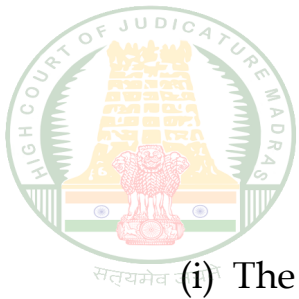
Sexual Offences Act, 2012. The defacto complainant was arrested and later released on bail. The petitioner, being a charitable person by nature, had helped A2, and therefore, the defacto complainant has lodged a false case against both the petitioner and A2. He further submits that the petitioner, who is aged about 63 years, has been in judicial custody since 13.01.2025, and 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.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation is complete, and the charge sheet has been filed. He further submits that if this Court grants bail to the petitioner, he may cause threat to the defacto complainant and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner, who is aged about 63 years, was arrested on 13.01.2025 and has been in judicial custody. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the age of the petitioner and 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:



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(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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Madurai;

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

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

(iv) The petitioner shall stay at Chennai and appear and sign before the Egmore Police Station, daily at (*)5.00 p.m. after execution of Suretyship, until further orders;

(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 which 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



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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;

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(viii) The petitioner shall not enter into the defacto complainant's house or workplace and the school of the victim girl, where she is studying;

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

(x) On breach of any of the aforementioned conditions, the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Madurai 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/-
14/03/2025

(*)Amended as per order of this Hon'ble
Court in CRL OP(MD).3798/2025 dated
19/03/2025

/ TRUE COPY /

21/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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APD जयदे
TO
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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
14/03/2025

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT CASES,
MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, AWPS THILAGAR THIDAL POLICE STATION,
MADURAI CITY, MADURAI.

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

COPY TO:

THE INSPECTOR OF POLICE, EGMORE POLICE STATION,
CHENNAI.

+1 CC TO MR.K.ALTHAFF SHERIFF, ADVOCATE, SR-3073[I] DATED 19/03/2025

ORDER IN
CRL OP(MD) No.3798 of 2025
Date :14/03/2025

SA/SAR. /14.03.2025/6P/6C

RS/SAR. /21.03.2025/6P/7C

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