

CRL OP(MD) No.3785 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3785 of 2025

1.Santhosh

2.Vijayakumar

... Petitioners/ A1 & A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
Crime No.186 of 2024

... Respondent/Complainant

For Petitioners : Mr.M.Jegadeesh Pandian, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.186 of 2024 on the file of the respondent-police.



CRL OP(MD) No.3785 of 2025

WEB COPY

ORDER : The Court made the following order :-

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

2. The petitioners/A1 and A4 were arrested and remanded to judicial custody on 04.01.2025 for the alleged offences punishable under Section 137(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 5(1), 6 and 17 of POCSO Act, in Crime No. 186 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 27.08.2024, at about 3:45 p.m., the victim girl, aged about 16 years, went missing. The defacto complainant, who is the mother of the victim girl, lodged a complaint suspecting Santhose/A1 (the first petitioner herein). Based on the complaint of the defacto complainant, initially, FIR was registered as a girl missing case. On enquiry, it was revealed that A1 and the victim had a love relationship and since the defacto complainant was arranging the victim girl's marriage with a relative, the victim girl informed A1. On 27.08.2024, at about 12:30 p.m., with the help of A2, the friend of A1, they had eloped and went to

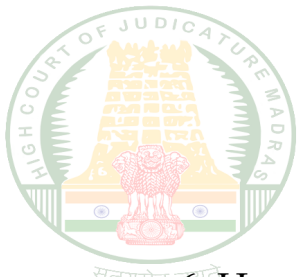


CRL OP(MD) No.3785 of 2025

Periyandi Palayam, where A3, the mother of A1, and A4, the step-father of A1 (the second petitioner herein), were living. On 27.08.2024, in the night hours, A1 had sexually assaulted the victim girl. Hence, the case.

4. Mr.M.Jegadeesh Pandian, the learned counsel appearing for the petitioners, submits that due to the love affair, the victim girl willingly came to the petitioners' house. He further submits that the petitioners have been falsely implicated in this case. He further submits that the petitioners have been in judicial custody since 04.01.2025. He therefore prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the statement of the victim was recorded under Section 183 of Bharatiya Nyaya Sanhita (BNS), 2023. He further submits that this is the second instance in which the first petitioner has committed the offence against the same victim and the investigation of this case is also pending. He further submits that if this Court grants bail to the petitioners, they may threaten the victim, defacto complainant and also other witnesses and may commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.



CRL OP(MD) No.3785 of 2025

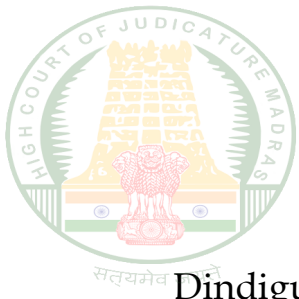
6. Heard on both sides. This Court has perused the records.

WEB COPY

7. The petitioners were arrested on 04.01.2025 and are still in judicial custody. The statement of the victim was also recorded under Section 183 of Bharatiya Nyaya Sanhita (BNS), 2023. Considering the same and also considering the nature of offences alleged against the petitioners and the manner in which the prosecution has projected the case, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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, the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul;

(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, the Special Court for Exclusive Trial of cases under POCSO Act,



CRL OP(MD) No.3785 of 2025

WEB COPY

Dindigul shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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 petitioners shall not directly or indirectly cause any threat to the defacto complainant and the victim girl and the witnesses;

(vii) The petitioners shall furnish their residential address and



CRL OP(MD) No.3785 of 2025

WEB COPY

mobile number to learned Special Judge, the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul;

(viii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders;

(ix) The petitioners shall not enter into the defacto complainant's house or workplace;

(x) The petitioners, particularly the first petitioner, shall not try to contact the defacto complainant and victim girl either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Special Judge, the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul is entitled to pass appropriate orders against the petitioners 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].



CRL OP(MD) No.3785 of 2025

WEB COPY

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/02/2025

/ TRUE COPY /

28/02/2025
Sub-Assistant Registrar (PA-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

To

1.The Special Judge,
The Special Court for Exclusive Trial of cases under POCSO Act, Dindigul

2.The Officer-in-Charge,
District Prison, Dindigul.

3.The Inspector of Police,
Palani Adivaram Police Station, Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2250[I] dated 28/02/2025)

ORDER

IN

CRL OP(MD) No.3785 of 2025

Date :28/02/2025

RK (28/02/2025) 7P / 6C

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

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