



CRL OP (MD) No.4324 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4324 of 2025

K.Palpandi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Kodaikanal Police Station,
Dindigul District.
Crime No.21 of 2024

... Respondent/Complainant

For Petitioner : Mr.C.Sundaravadivel
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

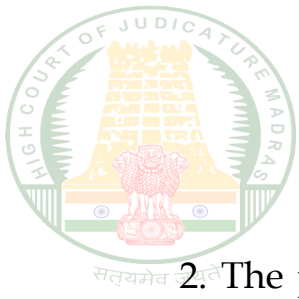
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.21 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 05.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



CRL OP (MD) No.4324 of 2025

WEB COPY

2. The petitioner/sole accused was arrested and remanded to judicial custody on 24.12.2024 for the alleged offences punishable under Section 9 of the Prohibition of Child Marriage Act, 2006, Sections 5(l), 5(j)(ii), 5(n) and 6 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.21 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 15.05.2024, without knowing the family members, the petitioner married the victim girl, who is a minor, and thereafter, committed penetrative sexual assault on her multiple times. The victim became pregnant. Hence the case.

4. Mr.C.Sundaravadivel, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 24.12.2024. He therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner is aged about 23 years, and the victim girl is aged about 15 years. He further submits that the victim girl was blessed with a female child on 01.02.2025. He further submits that investigation has been



CRL OP (MD) No.4324 of 2025

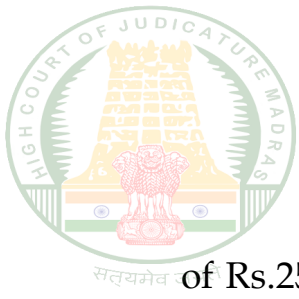
completed, charge sheet has been filed, and the same was taken on file in
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Spl.S.C.No.11 of 2025 by the learned Judge, Special Court for trial of cases under
POCSO Act, Dindigul. He further submits that at this stage of trial, if the petitioner is
enlarged on bail, he will cause threat to the victim girl and witnesses and thereby
delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original
Petition.

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

7. The petitioner was arrested on 24.12.2024 and has been in judicial custody. In
this case, the investigation has been completed, charge sheet has been filed, and the
same was taken on file in Special S.C.No.11 of 2025 by the learned Judge, Special
Court for trial of cases under POCSO Act, Dindigul. In view of the facts and
circumstances, further custody of the petitioner may not be necessary in this case.
Further, it is stated that the petitioner and the defacto complainant are relatives.
Therefore, there is no possibility of causing threat to the defacto complainant.
Considering the totality of the circumstances, 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



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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, Dindigul;

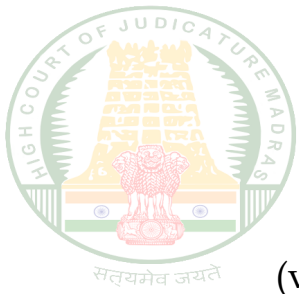
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Kodaikanal daily at 10.30 a.m., until further orders, except on the dates of hearing before the Trial Court.

(v) The petitioner shall appear before the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul on all hearing dates and shall co-operate with the trial proceedings;

(vi) The petitioner shall not enter into the Korankombu Village till completion of the trial;



CRL OP (MD) No.4324 of 2025

WEB COPY

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

(viii) 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;

(ix) 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;

(x) The petitioner shall not cause any threat to the defacto complainant, victim girl, and witnesses, and shall also not try to contact the defacto complainant or the victim girl either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul 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].



CRL OP (MD) No.4324 of 2025

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

sd/-
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14/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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

2 THE JUDICIAL MAGISTRATE,
KODAIKANAL.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT PRISON,
DINDIGUL.

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



CRL OP (MD) No.4324 of 2025

+1 CC to M/s.C.SUNDARAVADIVEL, Advocate (SR-2750[I] dated 13/03/2025)

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ORDER

IN

CRL OP(MD) No.4324 of 2025

Date :13/03/2025

RS/IT/SAR-(14.03.2025) 7P 8C

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