



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.4307 of 2025

Hariharan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Coutrallam Police Station,
Tenkasi District.
Crime No.507 of 2019

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.507 of 2019 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) praying to grant
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bail.

2. The petitioner/sole accused was arrested based on the Non-Bailable Warrant issued against him and remanded to judicial custody on 19.02.2025. The petitioner/sole accused is facing trial in S.C.No.511 of 2024 on the file of the learned Principal Sessions Judge, Tenkasi for the alleged offences punishable under Sections 366 and 376(A) of Indian Penal Code, 1860 and Section 6(1) of the Protection of Children from Sexual Offences Act, 2012, in Crime No.507 of 2019 on the file of the respondent-police. Originally, the case was pending before the Special Court for POCSO Act cases, Tirunelveli. Later, it was transferred to the Principal Sessions Judge, Tenkasi (Trial Court). When the case was posted on 18.12.2024, the petitioner failed to appear before the Trial Court. Therefore, a Non-Bailable Warrant was issued against the petitioner and the same was executed on 19.02.2025 by arresting the petitioner.

3. Mr.C.Saravanakumar, learned counsel appearing for the petitioner, submits that a Non-Bailable Warrant (NBW) was issued against the petitioner on 18.12.2024, and the same was executed on 09.02.2025. He further submits that after the investigation of the case, the respondent-police filed the final report, and the same was taken on file by the learned Special Judge, Special Court for Trial of POCSO Act



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Cases, Tirunelveli. He also submits that the trial commenced, and prosecution witnesses were examined, except for the Investigating Officer. At that stage, the Tenkasi District Court was formed, and the case against the petitioner was transferred to the file of the learned Principal Sessions Judge, Tenkasi Division, Tenkasi. He further submits that the factum of transfer of the case was not intimated to the petitioner by the petitioner's counsel. Hence, the petitioner did not appear for the hearing, and as a result, the NBW was issued on 18.12.2024 and executed on 09.02.2025. He further submits that the petitioner married the victim girl, and they were blessed with a male child. He therefore prays to grant bail to the petitioner.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that since the petitioner did not appear for the hearing before the Trial Court, a Non-Bailable Warrant (NBW) was issued and executed. He further submits that if the petitioner is enlarged on bail, he will abscond and will not appear before the Trial Court. Therefore, he prays to dismiss this Criminal Original Petition.

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

6. In view of the fact that since the transfer of case to the file of the learned Principal Sessions Judge, Tenkasi Division, Tenkasi was not known to the petitioner, the petitioner did not appear for hearing on 18.12.2024. Hence, this Court is inclined



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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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Principal Sessions Judge, Tenkasi;

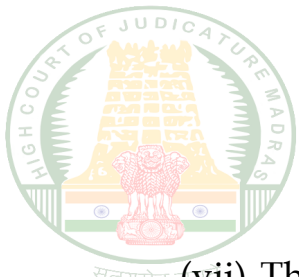
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Principal Sessions Judge, Tenkasi shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

(v) 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;

(vi) The petitioner shall also not cause any threat to the defacto complainant and witnesses;



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(vii) The petitioner shall furnish his residential address and mobile number to the learned Principal Sessions Judge, Tenkasi;

(viii) The petitioner shall appear and sign before the learned Principal Sessions Judge, Tenkasi on all hearings; and

(ix) On breach of any of the aforementioned conditions, the learned Principal Sessions Judge, Tenkasi 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].

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

sd/-
07/03/2025

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07/03/2025

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

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TO
1 THE PRINCIPAL SESSIONS JUDGE
TENKASI.

2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

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



3 THE INSPECTOR OF POLICE,
COUTRALLAM POLICE STATION,
TENKASI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4307 of 2025
Date :07/03/2025

NBF/SAR/ (07/03/2025) 6P/5C

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