



CRL OP(MD). No.4244 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4244 of 2025

Shanmugasundram,
S/o Veeraiah,
Nemalikadu,
Manamelgudi Taluk,
Pudukkottai District..

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Aranthangi, AWPS, Pudukkottai District.
Crime No. 1/2025.

... Respondent/Complainant

For Petitioner : Mr.K.Kharikharadas,
Advocate

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

PRAYER :-

For Bail in Crime No. 1 of 2025 on the file of the respondent-police.



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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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Sole Accused was arrested and remanded to judicial custody on 05.02.2025 for the offences punishable under Sections 5(1), 5(n), 5(j)(ii) r/w Section 6(1) of POCSO Amendment Act 2019 and under Sections 363, 342, 506 (i) of IPC in Crime No.1 of 2025, on the file of the respondent-Police.

3. The case of the prosecution is that the petitioner herein sexually assaulted the victim girl. Hence, the case.

4. Mr.K.Kharikharadas, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-operate with the investigating agency. He further submits that if bail is granted to the petitioner, he will not abscond. He further submits that the petitioner has been in judicial custody since 05.02.2025. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal



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Side) appearing for the respondent-Police, submits that the victim girl is aged about 17 years. He further submits that if bail is granted to the petitioner, he may abscond and thereby, cause delay to the investigation proceedings. He further submits that if bail is granted to the petitioner, he may threaten the defacto complainant and witnesses. Hence, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records and the statement recorded from the victim under Section 183 of BNSS, 2023.

7. Considering the above, and considering the facts and circumstances of the case, and considering the fact that if bail is granted to the petitioner, he may threaten the defacto complainant and witnesses and taking note of the statement recorded from the victim under Section 183 of BNSS, 2023, and considering the safety of the victim girl, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
24/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO WEB COPY

1 THE INSPECTOR OF POLICE,
ARANTHANGI,
AWPS,
PUDUKKOTTAI DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

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

ORDER
IN

CRL OP(MD) No.4244 of 2025

Date :24/03/2025

SS/SAR- /15/04/2025/ 4P/4C

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