



CRL OP (MD) No.4368 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

CRL OP (MD) No.4368 of 2025

J.Charles

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
AWPS Kadambur Police Station,
Thoothukudi District.
Crime No.2 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.Jerish Neeraj
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.2 of 2025 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 06.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody

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



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on 21.01.2025 for the alleged offences punishable under Sections 5(n), 5(l) and 6 of the Protection of Child from Sexual Offences Act, 2012 and Section 351(3) of Bharatiya Nyaya Sanhita, 2023, in Crime No.2 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is the mother of the victim girl, went to night shift work from 16.01.2025. On 21.01.2025, at 07.30 a.m., while she returned to her house, her daughter was crying. On enquiry, she came to know that she was sexually assaulted by her husband, who is the father of the victim girl, from 18.01.2025 to 20.01.2025. Hence the case.

4. Mr.K.Jerish Neeraj, the learned 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 the petitioner has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 21.01.2025. 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 statement of the victim girl was recorded under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita, 2023. He however submits that if this Court grants bail to the petitioner, he may



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cause threat to the defacto complainant and the victim girl. Accordingly, he prays to
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dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the statement of victim.

7. The petitioner was arrested on 21.01.2025 and has been in judicial custody. The statement of the victim girl was also recorded under Section 183(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Considering the period of incarceration and also considering the fact that further custody of the petitioner is not necessary for the Investigating Agency, 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.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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi;

(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, Thoothukudi shall obtain a copy of any one of identity proofs to



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ensure their identity;

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(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, Thoothukudi;

(iv) The petitioner shall appear and sign before the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, weekly once i.e., on every Monday at 10.30 a.m., 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 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;

(viii) The petitioner shall not enter into the defacto complainant's house or workplace, and shall not try to contact the defacto complainant and the victim girl either directly or through any electronic mode, until further order; and

(ix) On breach of any of the aforementioned conditions, the learned Special



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Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, 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

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14/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

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

2 THE OFFICER INCHARGE,
PERURANI JAIL, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
AWPS KADAMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.JERISH NEERAJ, Advocate (SR-2861[I] dated 14/03/2025)



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ORDER
IN
CRL OP(MD) No.4368 of 2025
Date :14/03/2025

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

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