



CRL OP(MD). No.4550 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.4550 of 2025

Asaithambi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram,
Cr.No.116 of 2022

... Respondent/Complainant

For Petitioner : Mr.S.S.Sundarapandian, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in S.C.No.85 of 2023 on the file of the Learned Fast Track Mahila Court, Mahaleer Neethimandram, Ramanathapuram in Cr.No.116 of 2022 on the file of the Respondent Police Station.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 16.08.2022 and is facing trial in S.C.No.85 of 2023 on the file of the learned

Fast Track Mahila Judge (Mahaleer Neethimandram), Ramanathapuram for the

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



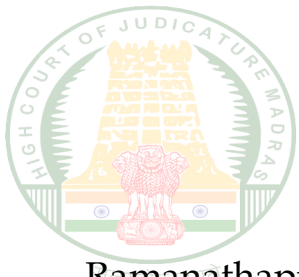
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offences punishable under sections 451, 294(b) and 376(2)(K) of IPC in connection
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with Crime No.116 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.08.2023 at about 07.00 p.m., the petitioner allegedly trespassed into the house of the defacto complainant, threatened the complainant's daughter, and forcibly engaged in sexual intercourse with the victim girl. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the petitioner and the defacto complainant are neighbours, and due to previous enmity against the petitioner, the defacto complainant made a false allegation against him. He would further submit that the petitioner is in custody from 16.08.2022 and he is also ready to abide by any condition imposed by this Court. He would further submit that there is no previous case pending against the petitioner. Hence, the petitioner may be released on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is the sole accused in this case. He would further submit that the petitioner sexually assaulted the victim and threatened her with dire consequences. He would further submit that the investigation has been completed and charge sheet has been filed before the learned Fast Track Mahila Judge (Mahaleer Neethimandram),



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Ramanāthapuram and now case is pending in S.C.No.85 of 2023 and the trial is yet to be commenced. He would further submit that 18 witnesses have been examined in this case and the victim girl was also examined. He would further submit that no previous case is pending against the petitioner. He would further submit that if bail is granted to the petitioner, he may cause threat to the defacto complainant and the victim girl and he may abscond and thereby delaying the trial proceedings. Accordingly, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made on either side, considering the nature of offences charged against the petitioner, considering the fact that no previous case is pending against the petitioner, taking into consideration the period of incarceration underwent by the petitioner and also taking note of the fact that eighteen witnesses have already been examined in this case and the victim girl was also examined and the trial is yet to be completed in this case, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Fast Track Mahila Judge, Ramanathapuram and on further conditions that:



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[b] the petitioner shall report before the learned Fast Track Mahila Judge, Ramanathapuram on all working days at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Fast Track Mahila Judge /Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Fast Track Mahila Judge /Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
12/03/2025

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12/03/2025

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

TSG



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TO मेव जयते

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1 THE JUDGE, FAST TRACK MAHILA COURT, RAMANATHAPURAM

2 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE, S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM.

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

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-2653[I] dated 12/03/2025)

ORDER

IN

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Date :12/03/2025

RS/IT/SAR-(12.03.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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