



CRL OP (MD) No.4690 of 2025

WEB COPY

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.4690 of 2025

Suriya

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.
Crime No.3 of 2024

... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.3 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 10.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on

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



CRL OP (MD) No.4690 of 2025

18.02.2025 based on the non-bailable warrant issued against him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Dindigul, in Spl.S.C.No.92 of 2024, for the alleged offences punishable under Section 9 of the Prohibition of Child Marriage Act and Section 5(1), 5(n), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.3 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner married the victim girl, who is a minor, and sexually abused her. Hence the case.

4. Mr.S.Vishnuvardhan, the learned counsel appearing for the petitioner, submits that the petitioner has been regularly appearing for all hearings before the Trial Court prior to 06.02.2025. He further submits that since the petitioner was unwell on 06.02.2025, he was unable to appear before the Trial Court on that day, and therefore, a non-bailable warrant was issued against him. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the case is posted for the examination of LW1 to LW3 on 20.03.2025, and therefore, at this stage, if bail is granted, the petitioner will abscond, cause a threat to the defacto complainant and



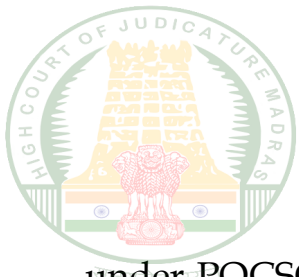
other witnesses, and will not appear for the hearing, thereby further delaying the trial proceedings. However, he prays to dismiss this Criminal Original Petition considering the gravity of the offences committed by the petitioner.

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

7. It is stated that the petitioner was unable to appear before the Trial Court on 06.02.2025 due to his ill-ness. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner has been regularly appearing before the Trial Court prior to 06.02.2025 and the reason stated by him for his non-appearance on 06.02.2025, 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 Sessions 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 Sessions Judge, Special Court for Exclusive Trial of Cases



CRL OP (MD) No.4690 of 2025

under POCSO Act, Thoothukudi shall obtain a copy of any one of identity proofs to ensure their identity;

WEB COPY

(iii) The petitioner shall furnish his residential address and mobile number to the concerned Sessions Judge;

(iv) The petitioner shall appear and sign before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi on all working days 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi is



CRL OP (MD) No.4690 of 2025

entitled to pass appropriate orders against the petitioner in accordance with law as if
WEB COPY
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/-
13/03/2025

/ TRUE COPY /

14/03/2025

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

mbi

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE DISTRICT JAIL, PERAVURANI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.4690 of 2025
Date :13/03/2025

RS/IT/SAR-(14.03.2025) 5P 5C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023