



CRL OP (MD) No.4727 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Muthuraj

2.Rasu @ Raj @ Katturaja

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
Crime No.87 of 2024

... Respondent/Complainant

For Petitioners : Mr.P.Suresh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.87 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 petitioners on 11.03.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

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2. The petitioners/A1 & A2 were arrested and remanded to judicial custody on 24.01.2025 based on the non-bailable warrant issued against them. The petitioners are facing trial in Spl.S.C.No.116 of 2024 on the file of the learned Judge, Mahalir Neethimandaram (Fast Track Mahila Court), Virudhunagar, for the alleged offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act and Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.87 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that initially, the case was registered as a girl missing case. Upon inquiry, it was revealed that the first petitioner and the victim girl, who is a minor, loved each other, and the victim requested the first petitioner to marry her. On 22.04.2024, the second petitioner arranged a marriage ceremony for them in front of Sirumalai Church. On 22.04.2024, and 23.04.2024, the victim and the first petitioner engaged in sexual intercourse. Hence the case.

4. Mr.P.Suresh, the learned counsel appearing for the petitioners, submits that



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the petitioners have been regularly appearing before the Trial Court prior to 24.09.2024. He further submits that the petitioners requested the Trial Court for appointment of a legal aid counsel, and since the petitioners were unaware about the hearing date on 24.09.2024, they could not appear before the Trial Court. He however submits that the petitioners are ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that NBW was issued by the Trial Court on 24.09.2024, and the same was executed on 24.01.2025. He further submits that the non-appearance of the petitioners during the trial before the Trial Court would amount to delaying the trial proceedings, and therefore, if the petitioners are released on bail, they may not appear again before the Trial Court, thereby further delaying the trial proceedings. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. NBW was issued against the petitioners on 24.09.2024, and the same was executed on 24.01.2025. Considering the fact that the petitioners have been regularly



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appearing before the Trial Court prior to 24.09.2024, and the fact that the petitioners were initially arrested and released on bail, and only due to their non-appearance before the Trial Court, they were re-arrested based on a non-bailable warrant, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judge, Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputhur;

(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 Judge, Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputhur shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judge, Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputhur;



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(iv) The petitioners shall appear and sign before the learned Judge, Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputhur/Trial Court on all working days at 10.30 a.m., until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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; and

(viii) On breach of any of the aforementioned conditions, the learned Judge, Mahalir Neethimandram (Fast Track Mahila Court), Virudhunagar District at Srivilliputhur is entitled to pass appropriate orders against the petitioners in



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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/-
13/03/2025

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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 JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.4727 of 2025
Date :13/03/2025

SS/SAR- /14/03/2025/ 7P/5C

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