



CRL OP(MD). No.5175 of 2025 &

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09.05.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5175 of 2025 &
Crl.M.P.(MD)No.3727 of 2025

Tamilarasan

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
All Women Police Station,
Pattukkottai, Thanjavur District.
Crime No.5 of 2024

... Respondent/ Complainant

For Petitioner : Mr.D.Siva Raman

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.528 of BNSS

PRAYER :-

To set aside the order passed in Crl.M.P.No.487 of 2024 dated 07.03.2025 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and grant bail.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 18.03.2025 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to set aside the order passed in Crl.M.P.No.487 of 2024 dated 07.03.2025 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and grant bail.

2. The petitioner was earlier granted bail by the learned Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur vide order dated 09.08.2024 in Crl.M.P.No.351 of 2024. The bail was thereafter, cancelled by the learned Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur vide order dated 07.03.2025 in Crl.M.P.No.487 of 2024 on the ground that the petitioner has violated the bail condition. Hence, the present petition seeking bail.

3. Mr.D.Siva Raman, the learned counsel appearing for the petitioner submits that the petitioner did not violate any bail order condition. He further submits that the petitioner has voluntarily filed an affidavit of undertaking stating that he will not try to contact the victim girl or any other witnesses either in person or through electronic mode and will not enter into the victim girl's residence / school. He further submits that the petitioner is ready to abide by any condition to be imposed



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by this Court. Accordingly, he prays to allow the Criminal Original Petition and grant bail to the petitioner.

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4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner was earlier granted bail and the bail order condition has been violated by him. Hence, the Trial Court cancelled the bail. He further submits that if the petition is allowed, there is possibility for him to violate the conditions once again and the petitioner will try to influence the victim girl and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

6. Admittedly, the petitioner was earlier granted bail by the learned Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur vide order dated 09.08.2024 in CrI.M.P.No.351 of 2024 and thereafter, the same was cancelled stating that the petitioner has violated the bail order condition. Now, the petitioner has voluntarily filed an affidavit of undertaking stating that he will abide by the conditions imposed on him. In view of the facts and circumstances and taking note of conduct of the petitioner and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to allow this petition, subject to certain conditions.



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7. Accordingly, the order dated 07.03.2025 in Crl.M.P.No.487 of 2024 passed by the learned Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur is set aside and this Criminal Original Petition is allowed and bail is granted to the petitioner subject to the following conditions: To avoid technical plea, that may arise in future, this Court directs the petitioner to execute fresh bond and sureties as detailed hereunder:-

(i) The petitioner shall execute a fresh bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Rupees) with two sureties to the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur District within 15 days from the date of receipt of a copy of this order.

(ii) The petitioner shall appear and sign before the learned Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur District weekly once i.e., on every Monday at 10.30 a.m., until further orders. The petitioner shall appear before the learned Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur on all hearing dates;

(iii) The petitioner shall not enter into the defacto complainant's house or workplace as well as the victim's house or school where she is studying. Further, the petitioner shall not enter into Naadimuthu Street, Pattukkottai without obtaining



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prior permission from the Trial Court.

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(iv) The petitioner shall not try to contact the victim girl either directly or through any electronic mode.

8. Consequently, connected Miscellaneous Petition is closed.

sd/-
09/05/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Judge,
Principal Special Court for
Exclusive Trial of Cases under POCSO Act,
Thanjavur District.
2.The Inspector of Police,
All Women Police Station,
Pattukkottai, Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

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Date :09/05/2025

MK/SAR /12.05.2025 5P/4C

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