



CRL OP (MD) No.4829 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4829 of 2025

A.Jothipandi,
S/o.Alagu,
Manaviyenthal,
Kariyapatti Taluk,
Virudhunagar District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.580 of 2020

... Respondent/Complainant

For Petitioner : Mr.P.Arumugam,
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

To enlarge the Petitioner/Sole Accused on bail in Spl.S.C.No.30 of 2021 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, in connection with Crime No.580 of 2020 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 13.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 21.02.2025. The petitioner is facing trial in Spl.S.C.No.30 of 2021 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai for the offences punishable under Section 366 of IPC and Section 5 (1) r/w. Section 6 of the POCSO Act, 2012 in connection with Crime No.580 of 2020 on the file of the respondent-police.

3. The case of the prosecution is that on 15.11.2020, the daughter of the defacto



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complainant went to Meenakshipuram. On that day, she did not return home. The defacto complainant searched everywhere but was unable to trace her. Hence, he filed a complaint with the respondent-police. Initially, the case was registered as a 'girl missing' case. Thereafter, on investigation, it was revealed that the petitioner and the defacto complainant's daughter were in love, and the petitioner took the defacto complainant's daughter and committed aggravated penetrative sexual assault on her. Hence, the complaint.

4. Mr.P.Arumugam, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that since the petitioner did not appear before the Trial Court, a non-bailable warrant was issued against the petitioner on 13.02.2025, and the same was executed on 21.02.2025. He further submits that due to ill health, the petitioner could not appear before the Trial Court on 13.02.2025. Accordingly, he prays for the granting of bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-police, submits that the case was posted on 18.03.2025 for examination of L.W.3. He further submits that the victim girl was



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examined. He further submits that the petitioner did not appear before the trial Court on 13.02.2025, when the case was posted for trial. He further submit that in these circumstances, if bail is granted to the petitioner, he may abscond and delay the trial proceedings. Hence, he opposes to grant bail to the petitioner.

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

7. It is stated that the petitioner has been regularly appearing before the Trial Court prior to 13.02.2025 and only due to his ill-health, he could not appear before the Trial Court on 13.02.2025. On perusing the records, it reveals the fact that the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same, and taking note of the incarceration suffered by the petitioner, and with a view to give one more opportunity to the petitioner to reform himself, 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, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai;



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(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, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) 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;

(vi) The petitioner shall furnish his residential address and mobile number to



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the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai;

(vii) The petitioner shall appear and sign before the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, 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/-
17/03/2025

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18/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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- TO
- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER THE POCSO ACT,2012,
SIVAGANGAI.
 - 2 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.ARUMUGAM, Advocate (SR-2896[I] dated 17/03/2025)

ORDER
IN
CRL OP(MD) No.4829 of 2025
Date :17/03/2025

SS/SAR- /18/03/2025/ 7P/6C

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