



CRL OP (MD) No.5427 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

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Petchimuthu

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
Crime No. 34/2024.

... Respondent/Complainant

For Petitioner : Mr.S.P.Naveenkumar,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

To release the petitioner on bail in connection with the Spl.S.C.No.33 of 2025 pending on the file of the learned Sessions Judge, Special court for POCSO Act Cases, Tirunelveli, Tirunelveli District.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.03.2025



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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 petitioner/ Accused No.1 was arrested and remanded to judicial custody on 17.10.2024. The petitioner is facing trial in Spl.S.C.No.33 of 2025 on the file of the learned Sessions Judge, Special court for POCSO Act Cases, Tirunelveli, Tirunelveli District, for the offences punishable under Sections 5(l), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 296(b) and 131 of BNS, 2023 in connection with Crime No.34 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner habitually subjected the victim girl, aged about 16 years and a relative of the petitioner's wife, to sexual harassment. On 16.07.2024, at about 01:30 p.m., the petitioner sexually assaulted the victim girl while she was walking on the street. Upon being informed of the incident to the petitioner's wife, when the victim girl was again walking on the street, the petitioner's mother-in-law, i.e., the victim girl's aunt, allegedly slapped her on the cheek and abused her in filthy language. Hence, the complaint.

4. Mr.S.P.Naveenkumar, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further



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submits that the petitioner has been in judicial custody since 17.10.2024. He therefore
prays for grant of bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-police, submits that the case is posted before the Trial Court on 05.04.2025 for furnishing copies. He further submits that in these circumstances, if bail is granted to the petitioner, he may abscond, delay the trial proceedings, and cause threat to the victim girl and the witnesses. Hence, he opposes to grant bail to the petitioner.

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

7. On perusing the records, it reveals the fact that the petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the nature of the offence and the age of the petitioner, and taking note of the period of incarceration suffered by the petitioner, and with a view to give an 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Sessions Judge, Special
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Court for POCSO Act Cases, Tirunelveli, Tirunelveli District;

(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 POCSO Act Cases, Tirunelveli, Tirunelveli District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, Tirunelveli District;

(iv) The petitioner shall stay at Madurai and appear and sign before the Inspector of Police, Tallakulam Police Station, Madurai, daily at 08.00 a.m., and 06.00 p.m., until further orders;

(v) The petitioner shall not enter into Ittamozhi Village;

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

(vii) 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;

(viii) The petitioner shall not directly or indirectly make any inducement, threat



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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;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the victim girl and her family members and shall also not try to contact the victim girl either directly or his men/agent or through any other electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, Tirunelveli District, 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/-
03/04/2025

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03 /04/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,



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TIRUNELVELI, TIRUNELVELI DISTRICT.

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2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYOOR, TIRUNELVELI DISTRICT.

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

COPY TO
THE INSPECTOR OF POLICE, TALLAKULAM POLICE STATION, MADURAI.

ORDER

IN

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Date :03/04/2025

NBF/ SAR/ (03/04/2025) 6P/6C

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