



CRL OP (MD) No.5231 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5231 of 2025

Manikandan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Tiruchendur,
Toothukudi District.
Crime No.2 of 2025

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.2 of 2025 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 19.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody

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

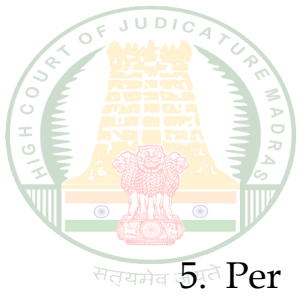


CRL OP (MD) No.5231 of 2025

on 11.01.2025 for the alleged offences punishable under Sections 5(1) and 6 of the
WEB COPY
Protection of Child from Sexual Offences Act, 2012 and Section 351(2) of Bharatiya
Nyaya Sanhita (BNS), 2023, in Crime No.2 of 2025, on the file of the respondent-
police.

3. The case of the prosecution is that the petitioner and the victim minor girl are neighbours. When the petitioner and the daughter of the defacto complainant were speaking in the street, the defacto complainant warned the petitioner. On 30.06.2024, at about 11:00 a.m., after the defacto complainant went to work, the petitioner came to the house of the defacto complainant and sexually assaulted her daughter by giving a false promise to marry her. Knowing this, the defacto complainant, on 11.01.2025, at about 7:30 a.m., asked the petitioner about the said incident, he abused the defacto complainant and threatened with dire consequences. Hence, the complaint.

4. Mr.N.Pragalathan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 11.01.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



CRL OP (MD) No.5231 of 2025

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the statement of the victim girl was recorded under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita. He however submits that if this Court grants bail to the petitioner, he may cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records and also the statement of the victim recorded under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. The age of the petitioner is 26 years, and the age of the victim girl is 16 years. The petitioner was arrested on 11.01.2025 and has been in judicial custody since then. The statement of the victim was recorded under Section 183(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023. In view of the above and the offenses allegedly committed by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency. Considering the same, and also considering the age of the petitioner as well as the victim girl and the period of incarceration, 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



CRL OP (MD) No.5231 of 2025

following conditions:

WEB COPY

(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 Special 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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi 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 furnish his residential address and mobile number to the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi;

(v) The petitioner shall stay at Tirunelveli and appear and sign before the Inspector of Police, Palayamkottai Police Station, daily at 10.00 a.m. and 5.00 p.m., until further orders;

(vi) The petitioner shall not enter into Krishnapuram Village, without obtaining



CRL OP (MD) No.5231 of 2025

prior permission from the learned Special Judge, Special Court for Exclusive Trial of
WEB COPY
Cases under POCSO Act, Thoothukudi;

(vii) 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;

(viii) 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;

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

(x) The petitioner shall not enter into the school where the victim girl is studying and shall not try to contact the defacto complainant or the victim girl either directly or through any electronic mode;

(xi) On breach of any of the aforementioned conditions, the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi 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].



CRL OP (MD) No.5231 of 2025

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

WEB COPY

sd/-
21/03/2025

/ TRUE COPY /

21/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL,
PERURANI,
THOOTHUKUDI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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



CRL OP (MD) No.5231 of 2025

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-3270[I] dated 21/03/2025)

WEB COPY

ORDER

IN

CRL OP(MD) No.5231 of 2025

Date :21/03/2025

RS/IT/SAR-(21.03.2025) 7P 7C

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