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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5147 of 2025

1. Muthukannu
2. Chinnadurai
3. Sathishkumar
4. Cithra

... Petitioners/ A2 to A5

Vs

The State of Tamilnadu Rep.By,
The Inspector of Police, Melapalayam
Police Station, Tirunelveli City
(Cr.No.43 of 2025).

... Respondent/ Complainant

For Petitioners : Mr.P.Aju Tagore
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.43 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 petitioners on 18.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



to grant an order of pre-arrest bail.

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2. The petitioners / A2 to A5 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 96 of BNS, 2023 and Sections 5(L), 6, 16, 17 of POCSO Act, in Crime No.43 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to love affair, the victim girl eloped with A1 and both of them stayed in the petitioners' house. Hence, the case.

4. Mr.P. Aju Tagore, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that A1 was already arrested and still in custody. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the First Information Report as well as the statement of the victim girl registered under Section 183 of BNSS.

7. Considering the fact that the petitioners have no previous bad antecedent



and the petitioners have permanent residence and deep roots in the society.

Therefore, there is less possibility of absconding. Considering the statement of the victim girl and considered the sole allegation against the petitioner that they allowed the victim to stay in their house, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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 Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli.

(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 Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the Inspector of Police, All Women Police Station, Palayamkottai, weekly once ie., on



every Sunday at 10.00 am until further orders.

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(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioners shall also not directly or indirectly cause any threat to the victim girl, defacto complainant and witnesses and tamper with evidence.

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the learned Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli.

(ix) The petitioners shall not enter into the defacto complainant's house or her work place.

(x) On breach of any of the aforementioned conditions, the learned Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners 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]*.

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

Sd/-

24.03.2025

// True Copy //

/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

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

2 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY.

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

COPY TO

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI.

+1. CC to M/S.P.AJU TAGORE Advocate SR.No.3409[I] Dated 25/03/2025



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ORDER
IN

CRL OP(MD) No.5147 of 2025

Date :24/03/2025

RS (17/04/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing
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