



CRL OP (MD) No.5323 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.5323 of 2025

Mano

... Petitioner/ Sole Accused

Vs

The Inspector of Police,
AWPS, Sankarankovil,
Tenkasi District.
Crime No.4 of 2025

... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.4 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.5323 of 2025

on 17.02.2025 for the offences punishable under Sections 12 and 11(4) of the
WEB COPY
Protection of Child from Sexual Offences Act, 2012, in Crime No.4 of 2025 on the file
of the respondent-police.

3. The case of the prosecution is that on 17.02.2025, the victim girl returned home belatedly at about 9:30 p.m., instead of her usual arrival at 8:00 p.m. When she was questioned by the defacto complainant, the victim girl's mother, the victim girl informed her that the petitioner had been torturing her, stating that he had been in love with her for the past four years and that he had been following her. Hence, the complaint.

4. Mr.T.Indrachithu, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that both the petitioner and the defacto complainant are neighbours. He further submits that the victim girl is aged about 17 years and that the petitioner had been torturing and following the victim girl by giving her love proposals. He further submits that there is no previous case pending



CRL OP (MD) No.5323 of 2025

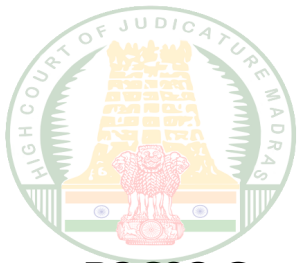
WEB COPY

against the petitioner. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may cause threat to the defacto complainant and the victim girl and delay the investigation. Accordingly, 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 recorded under Section 163 of BNSS.

7. The petitioner was arrested and remanded to judicial custody on 17.02.2025, and he has been in judicial custody for more than 30 days. In view of the offence allegedly committed by the petitioner and the statement of the victim girl, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has a permanent residence and deep roots in society. Hence, there is less possibility of absconding. Considering the same, and also considering 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 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 District Judge (Special Court for



POCSO Cases), Thenkasi;

WEB COPY

(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 District Judge (Special Court for POCSO Cases), Thenkasi 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 District Judge (Special Court for POCSO Cases), Thenkasi;

(iv) The petitioner shall stay at Thenkasi and appear and sign before the learned District Judge (Special Court for POCSO Cases), Thenkasi, on all working days, at 10.00 am and 5.00 p.m., until further orders;

(v) The petitioner shall not leave Thenkasi Town without prior permission of the learned District Judge (Special Court for POCSO Cases), Thenkasi;

(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 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



CRL OP (MD) No.5323 of 2025

evidence;

WEB COPY

(ix) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, the victim girl, or the witnesses, and shall not try to contact the defacto complainant or the victim girl either directly or through any electronic mode;

(x) The petitioner shall not enter the house of the defacto complainant or the victim girl, the school where the victim girl is studying, or the route the victim girl takes while going to and returning from school; and

(xi) On breach of any of the aforementioned conditions, the learned District Judge (Special Court for POCSO Cases), Thenkasi 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/-
21/03/2025

/ TRUE COPY /

21/03/2025

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

TRP



CRL OP (MD) No.5323 of 2025

TO
WEB COPY

1 THE DISTRICT JUDGE (SPECIAL COURT FOR POCSO CASES), TENKASI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE, AWPS, SANKARANKOVIL, TENKASI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.5323 of 2025

Date :21/03/2025

RS/IT/SAR-(21.03.2025) 6P 5C

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