



CRL OP (MD) No.5525 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5525 of 2025

Selvam

... Petitioner/Sole Accused

Vs

State of Tamil Nadu rep.  
by The Inspector of Police,  
Narikudi Station,  
Virudhunagar District.  
Crime No.28/2025

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,  
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.28 of 2025 on the file of the respondent-police.



CRL OP (MD) No.5525 of 2025

WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.03.2025 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 on 06.02.2025 for the offences punishable under Section 64(2)(k) r/w 62 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 06.02.2025, at about 09:00 hours, the defacto complainant had gone to work, leaving her mentally disabled daughter, who is the victim girl, at home. When she returned at 12:00 hours, she found a crowd at her house. On enquiring, she came to know that the petitioner had called the defacto complainant's daughter upstairs and attempted to rape her. Upon hearing the victim's distressed cries, one Thangam, a neighbour of the defacto complainant, entered the residence and found that the petitioner was attempting to misbehave with the victim girl. Hence, the complaint.

4. Mr.A.Balaji, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been registered against the petitioner. He however submits that the petitioner is ready to



CRL OP (MD) No.5525 of 2025

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abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 06.02.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that if bail is granted to the petitioner, he may cause threat to the victim girl and the defacto complainant. He further submits that no previous case is pending against the petitioner. Additionally, he submits that the investigation is complete and the charge sheet has been filed. However, he vehemently opposes to grant bail to the petitioner.

6. This Court has considered the submission made on either side. This Court has perused the First Information Report, Statement recorded from the victim girl with assistance of tutor under Section 183 of BNSS, 2023 and Accident Register issued by the Assistance Surgeon, Government Hospital, Tiruchuli, Virudhunagar District.

7. In view of the allegations made in the First Information Report, the statement recorded from the victim girl under Section 183 of BNSS, 2023, the Accident Register issued by the Assistant Surgeon, Government Hospital, Tiruchuli, Virudhunagar District, and also considering the fact that the investigation has been completed and the charge sheet has been filed, this Court is of the opinion that

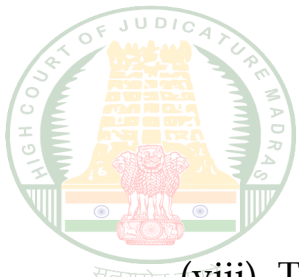


CRL OP (MD) No.5525 of 2025

WEB COPY

further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant an order of bail to the petitioner, however, 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 Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Tiruchuli;
- (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 Judicial Magistrate, Tiruchuli, 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 Judicial Magistrate, Tiruchuli;
- (iv) The petitioner shall stay at Madurai after execution of suretyship, and appear and sign before the Inspector of Police, Anna Nagar Police Station, Madurai, daily at 08.00 a.m and 06.00 p.m., until further orders;
- (v) The petitioner shall not enter into the village namely, Vidathakulam Pudhur, without prior permission from the concerned Court;
- (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;



CRL OP (MD) No.5525 of 2025

(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 her family members, and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Tiruchuli, 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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/04/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

vsg

To  
1.The Judicial Magistrate,  
Tiruchuli.



CRL OP (MD) No.5525 of 2025

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.The officer-in-charge,  
District Jail, Virudhunagar.

4.The Inspector of Police,  
Narikudi Station,  
Virudhunagar District.

5.The Inspector of Police,  
Anna Nagar Police Station,  
Madurai.

6.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN

CRL OP(MD) No.5525 of 2025  
Date :03/04/2025

MK/SAR /03.04.2025 6P/7C

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