



CRL OP (MD) No.5500 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Selvam

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
Crime No.84 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.M.Sanjay
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.84 of 2024 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 21.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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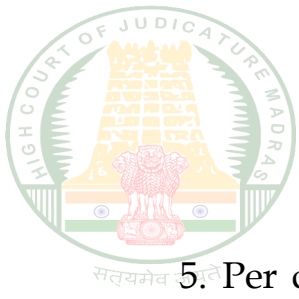
to grant bail.

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2. The petitioner/A1 was arrested and remanded to judicial custody on 29.12.2024 for the alleged offences punishable under Sections 5(l) read with 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, in Crime No.84 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 10.12.2024, the defacto complainant's daughter, who had gone to attend a sewing class, did not return home. Consequently, a complaint was initially lodged as 'girl missing' case. During the course of investigation, the respondent-police secured the victim girl along with the petitioner at Thiruppathur Bus Stand. Upon enquiry, it was revealed that the petitioner had married the minor victim girl and had physical intercourse with her many times. Hence, the respondent-police had altered the case under the Protection of Children from Sexual Offences Act and Prohibition of Child Marriage Act.

4. Mr.S.M.Sanjay, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He further submits that the petitioner has been in judicial custody since 29.12.2024 and is ready to abide by any condition to be imposed by this Court. He therefore prays to grant bail to the petitioner.



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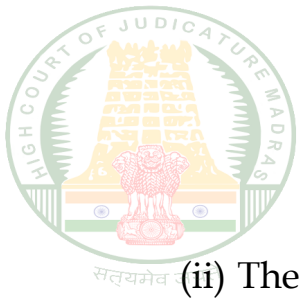
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that investigation has been completed, charge sheet has been filed, and the same was taken on file by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Sivagangai in Special S.C.No.24 of 2025. He further submits that if the petitioner is enlarged on bail, he may commit similar offence and cause threat to the defacto complainant and the victim girl. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 29.12.2024 and has been in judicial custody since then. In view of the fact that the charge sheet has been filed and the same was taken on file, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Hence, 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 Sessions Judge, Principal Special Court for Exclusive Trial of cases under the POCSO Act, Sivagangai District;



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(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, Principal Special Court for Exclusive Trial of cases under the POCSO Act, Sivagangai 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, Principal Special Court for Exclusive Trial of case under the POCSO Act, Sivagangai District;

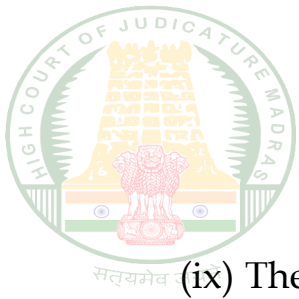
(iv) The petitioner shall stay at Sivagangai Town and appear and sign before the learned Sessions Judge, Principal Special Court for Exclusive Trial of case under the POCSO Act, Sivagangai District on all working days at 10.30 a.m., until further orders;

(v) The petitioner shall not leave Sivagangai Town limit until further orders. In case, if the petitioner wants to leave Sivagangai Town, he shall get prior permission from the learned Sessions Judge, Principal Special Court for Exclusive Trial of case under the POCSO Act, Sivagangai. The petitioner shall also not enter into the defacto complainant's house or workplace and the school where the victim girl is studying;

(vi) The petitioner shall not try to contact the defacto complainant and the victim girl either directly or through any electronic mode;

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

(viii) 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;



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(ix) 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; and

(x) On breach of any of the aforementioned conditions, the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under the POCSO Act, Sivagangai 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/-
25/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Sessions Judge,
Principal Special Court for Exclusive Trial of cases
under the POCSO Act, Sivagangai District



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- 2.The Officer-in-charge,
Sub Jail, Thiruppathur,
Sivagangai District.
- 3.The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.S.M.SANJAY, Advocate (SR-3373[I] dated 25/03/2025)

ORDER
IN

CRL OP(MD) No.5500 of 2025
Date :25/03/2025

MK/SAR /25.03.2025 6P/6C

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