



CRL OP (MD) No.5738 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5738 of 2025

Uthirakumar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
Crime No.2 of 2025

... Respondent/Complainant

For Petitioner : Mr.M.Prabu, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

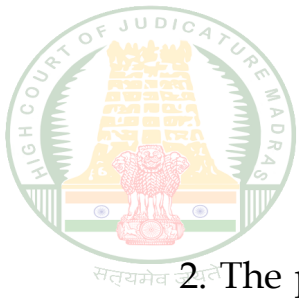
For Bail in Crime No.2 of 2025 on the file of the Respondent- Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

grant bail

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



CRL OP (MD) No.5738 of 2025

WEB COPY

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 15.02.2025 for the alleged offences punishable under Sections 9(n) r/w. 10, 11 r/w. 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 67B of Information Technology Act, 2000 in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 14.02.2025, the petitioner herein, who is the father of the victim girl, showed sexual videos and sexually assaulted the victim girl when the other family members were absent in the house. Hence, the case.

4. Mr.M.Prabu, the learned Counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that due to the matrimonial dispute between the petitioner and his wife, i.e., the defacto complainant, at the instigation of his wife/defacto complainant, the victim girl has given a false statement against the petitioner. He further submits that the petitioner is a deaf and dumb person. He further submits that the petitioner has been in judicial custody since 15.02.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation of the case is still



WEB COPY

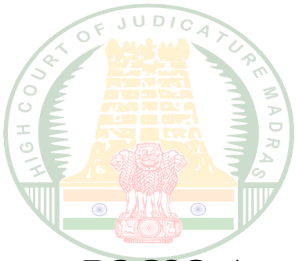
pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may cause threat to the defacto complainant, victim girl and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the petitioner is none other than the father of the victim girl and is deaf and dumb, and also considering the nature of the offences allegedly committed by the petitioner, this Court is of the considered opinion that the further custody of the petitioner is not necessary for the Investigating Officer. The petitioner has permanent residence. Therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, 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 Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, 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 Judge, Special Court for Exclusive Trial of Cases under



CRL OP (MD) No.5738 of 2025

POCSO Act Cases, Thoothukudi shall obtain a copy of any one of identity proofs to ensure their identity;

WEB COPY

(iii) The petitioner shall furnish her residential address and mobile number to the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Thoothukudi;

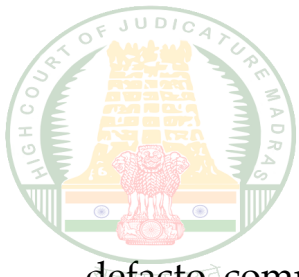
(iv) The petitioner shall stay at Vilathikulam and appear and sign before the All Women Police Station, Vilathikulam daily at 10.00 m and 5.30 pm until further orders. The petitioner should not enter Perilovanpatti Village, where the defacto complainant and the victim are residing, without prior permission from the learned Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Madurai;

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

(vi) 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;

(vii) 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;

(viii) The petitioner shall not directly or indirectly cause any threat to the



CRL OP (MD) No.5738 of 2025

WEB COPY

defacto complainant, the victim girl, and the witnesses, and shall also not try to contact the defacto complainant or the victim girl either directly or through any electronic mode;

(ix) The petitioner shall also not enter the campus of the school where the victim girl is studying or meet her in any manner when the victim girl goes to and returns from the school; and

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

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

sd/-
27/03/2025

/ TRUE COPY /

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

TRP



CRL OP (MD) No.5738 of 2025

TO
WEB COPY

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

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VILATHIKULAM, THOOTHUKUDI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VILATHIKULAM.

ORDER
IN

CRL OP(MD) No.5738 of 2025

Date :27/03/2025

RS/SKN/SAR-(28.03.2025) 6P 6C

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