



CRL OP(MD)No.5884 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP(MD)No.5884 of 2025

Mohanraj,  
S/o.Ragunathan,  
No.12A/364, Madha Nagar-6,  
Arockiapuram,  
Melur Thoothukudi,  
Thoothukudi District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
All Women Police Station,  
Thoothukudi,  
Thoothukudi District.  
(Crime No.10 of 2025)

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan,  
Advocate

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



CRL OP(MD)No.5884 of 2025

For Intervener : Mr.R.Anand,  
WEB COPY Advocate

## PETITION FOR BAIL Under Sec.483 of BNSS

### PRAYER :-

For Bail in Crime No.10 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 27.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 10.02.2025 for the offences punishable under Sections 3(a) and 4 of Protection of Child from Sexual Offences Act, 2012 and Sections 351(1) and 332 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the victim, a minor girl aged about 16 years and studying in Class XI, used to study late at night in her room. On 07.02.2025, at about 1:00 a.m., the defacto complainant, who is the mother of the victim, searched for her daughter and called out to her. Upon hearing the noise, the victim was seen coming downstairs from the terrace, while the petitioner was seen jumping from the



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terrace and fleeing the scene. When the defacto complainant inquired, the victim disclosed that the petitioner, under threat of killing her father, had committed penetrative sexual assault on her. Hence, the complaint.

4. Mr.S.Vishnuvardhan, 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 further submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 10.02.2025. 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. He further submits that there is no previous case pending against the petitioner. Additionally, he states that the investigation is complete and the respondent-police are going to file charge sheet shortly. Hence, he vehemently opposes to grant bail to the petitioner.

6. Mr.R.Anand, learned counsel appearing for the intervener, submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and her family members and may also disturb the victim girl again. Hence, he vehemently opposes to grant bail to the petitioner.



CRL OP(MD)No.5884 of 2025

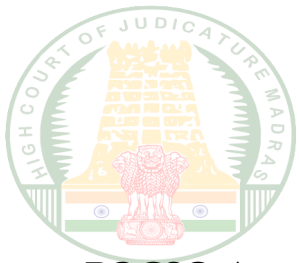
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7. This Court has considered the submission made on either side. This Court has perused the First Information Report and the statement recorded from the victim girl under Section 183 of BNSS, 2023.

8. In view of the allegation made in the First Information Report and in view of the statement recorded from the victim girl under Section 183 of BNSS, 2023, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Considering the same, and also considering the fact that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding and 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 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.5884 of 2025

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

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

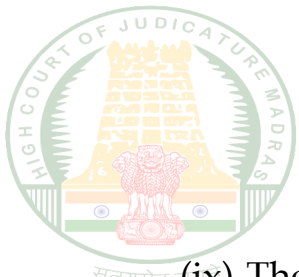
(iv) The petitioner shall stay at Coimbatore and appear and sign before the Inspector of Police, Race Course Police Station, Coimbatore, daily at 10.00 a.m and 06.00 p.m., until further orders;

(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 defacto complainant, victim girl, and her family members;



CRL OP(MD)No.5884 of 2025

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(ix) The petitioner shall not enter into residence of the victim girl or her school until further orders;

(x) The petitioner shall not communicate with the defacto complainant, her family members, or the victim through any electronic devices or through his men or agents or directly; and

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

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

sd/-  
01/04/2025

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01/04/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



CRL OP(MD)No.5884 of 2025

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

2 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, THOOTHUKUDI,  
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE  
DISTRICT JAIL, PERAOVURANI,  
THOOTHUKUDI DISTRICT.

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

COPY TO  
THE INSPECTOR OF POLICE,  
RACE COURSE POLICE STATION,  
COIMBATORE.

ORDER  
IN  
CRL OP(MD) No.5884 of 2025  
Date :01/04/2025

HPS/SAR / 01.04.2025/7P/6C

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