

CRL OP (MD) No.5759 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5759 of 2025

Thushendiran,
S/o. Anantharanjan,
No.B2/22, SLR Camp,
Kottapattu Agathigal Mugam,
Trichy.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Cantonment AWPS,
Trichy City,
(In Crime No.3 of 2025)

... Respondent/Complainant

For Petitioner : Mr.C.Karthikeyan,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

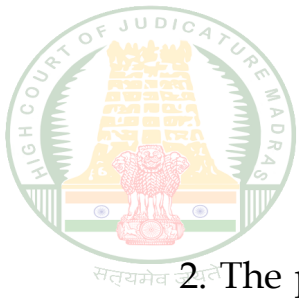
PRAYER :- For Bail in Crime No.3 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

grant bail

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



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2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 11.02.2025 for the offences punishable under Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012 in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.11.2024, the petitioner herein attempted to misbehave with the victim girl and the victim's family warned the petitioner. While so, on 03.02.2025, the petitioner allegedly pulled the hand of the victim girl and attempted to hug her. Hence, the complaint.

4. Mr.C.Karthikeyan, 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 him. He further submits that there was already previous enmity between the petitioner and the defacto complainant, due to which the defacto complainant attacked the petitioner herein, and hence, the petitioner lodged a complaint with K.K.Nagar Police Station, Trichy, which was registered in Crime No. 101 of 2025 for the alleged offences punishable under Sections 296(b), 115(2), 118(1), and 351(3) of BNS, 2023. He further submits that, in order to wreak vengeance against the petitioner, this case has been registered against him. He further submits that without conducting any proper enquiry, the respondent-police have registered a case against the petitioner. He further submits that the petitioner has an 82-year-old



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mother and is taking care of her. 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 11.02.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has been misbehaving with the victim girl, and therefore, if bail is granted to the petitioner, he may cause threat to the victim girl and her family members. He further submits that there is no previous case pending against the petitioner. However, he vehemently opposes the grant of bail to the petitioner.

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

7. The petitioner was arrested on 11.02.2025 and has been in judicial custody since then. The petitioner and the defacto complainant are both residing at the Refugee Camp in Trichirappalli. In view of the offence allegedly committed by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency. Considering the same, and also taking into account the period of incarceration, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:



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(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, Mahila Court, Trichirappali District;

(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, Mahila Court, Trichirappali 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, Mahila Court, Trichirappali District;

(iv) The petitioner shall appear and sign before the respondent-police weekly twice (i.e., Monday and Friday) at 06.30 p.m., for a period of one month and thereafter, as and when required for interrogation;

(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 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



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from disclosing such facts to the Court or to any police officer or tamper with the
evidence;

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(viii) The petitioner shall not enter into the residence or the school of the defacto complainant/victim girl and shall not attempt to meet her in any manner while she goes to or returns from school;

(ix) The petitioner shall not try to contact the defacto complainant/victim girl; and

(x) On breach of any of the aforementioned conditions, learned Sessions Judge, Mahila Court, Trichirappali 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.

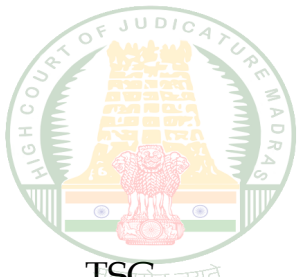
sd/-

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28/03/2025

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



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TSG
TO
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1 THE SESSIONS JUDGE,
MAHILA COURT, TRICHIRAPPALLI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE INSPECTOR OF POLICE,
CANTONMENT AWPS,
TRICHY CITY.

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

+1 CC to M/s.C.KARTHIKEYAN, Advocate (SR-3656[I] dated 28/03/2025)

ORDER IN
CRL OP(MD) No.5759 of 2025
Date :28/03/2025

SA/SAR. /28.03.2025/6P/6C

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