



CRL OP (MD) No.6277 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6277 of 2025

P. Shamsudeen

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
All Women Police Station,  
Tiruchendur,  
Thoothukudi District.  
Crime No.5/2025

... Respondent/Complainant

For Petitioner : Mr.M.Sheik Abdullah  
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.5 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 02.04.2025



CRL OP (MD) No.6277 of 2025

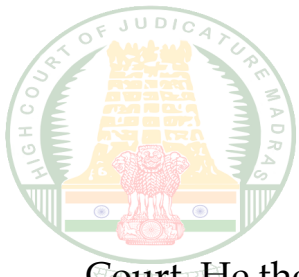
under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to  
grant bail.

WEB COPY

2. The petitioner/sole accused was arrested and remanded to judicial custody on 05.02.2025 for the offences punishable under Sections 5(n), 5(l), 6, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that when the defacto complainant was studying in the 9<sup>th</sup> standard, on 20.08.2018, the petitioner, who is none other than the defacto complainant's father, committed aggravated sexual assault on her and threatened her not to disclose the same. Similarly, in March 2019 and on 25.05.2019, the petitioner again committed aggravated sexual assault on the defacto complainant and issued the same threat. As a result, the defacto complainant developed a fear of men and has been avoiding marriage. On 04.02.2025, when her family members inquired about this, she informed them of the incidents. Hence, the complaint.

4. Mr.M.Sheik Abdullah, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 05.02.2025 and is ready to abide by any conditions that may be imposed by this



CRL OP (MD) No.6277 of 2025

Court. He therefore prays to grant bail to the petitioner.

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are no previous cases pending against the petitioner. He further submits that the investigation of the case is pending, and therefore, at this stage, if the petitioner is enlarged on bail, the petitioner may abscond and thereby delay the investigation. Accordingly, he strongly opposes to grant bail to the petitioner.

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

7. The petitioner was arrested and remanded to judicial custody on 05.02.2025. The petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the facts and circumstances of the case, and the dates of the incidents, which occurred in 2018 and 2019, 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 POCSO Act cases, Thoothukudi;

(ii) The sureties shall affix their photographs and left thumb impression in the



CRL OP (MD) No.6277 of 2025

Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for POCSO Act cases, Thoothukudi 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 Judge, Special Court for POCSO Act cases, Thoothukudi;

(iv) The petitioner shall stay at Trichy after execution of suretyship and appear and sign before the Inspector of Police, Cantonment Police Station, Trichy, daily twice at 10.00 am and 5.00 pm until further orders;

(v) The petitioner shall not enter into the Rathinapuri Village, Kayapattinam, where the defacto complainant is residing;

(vi) The petitioner shall co-operate with the trial Court for expeditious disposal after filing the charge sheet;

(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;

(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



CRL OP (MD) No.6277 of 2025

evidence;

WEB COPY

(x) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Judge, Special Court for 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/-  
04/04/2025

/ TRUE COPY /

04/04/2025

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

TRP  
To

1.The Judge, Special Court for POCSO Act cases,  
Thoothukudi.

2. The officer-in-charge,  
District Prison, Perurani, Thoothukudi.



CRL OP (MD) No.6277 of 2025

WEB COPY

3.The Inspector of Police,  
All Women Police Station,  
Tiruchendur, Thoothukudi District.

4.The Inspector of Police,  
Cantonment Police Station,  
Trichy.

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

+1 CC to M/s.M.SHEIK ABDULLAH, Advocate ( SR-3924[I] dated 04/04/2025 )

ORDER

IN

CRL OP(MD) No.6277 of 2025

Date :04/04/2025

NBF/SAR/ (04/04/2025) 6P/7C

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