



CRL.OP(MD). No.6096 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6096 of 2025

Karupusamy @ John

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District.
(Crime No.10 of 2025)

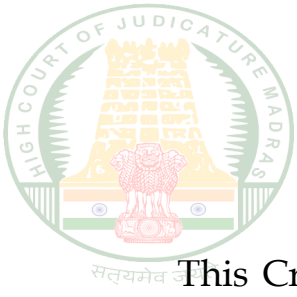
... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.10 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Balaji,
Advocate

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

ORDER : The Court made the following order :-



CRL.OP(MD). No.6096 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 127(2), 351(2) of BNS, 2023 and Sections 7, 8 , 11(iv) and 12 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the mother of the victim girl, aged 16 years and studying in 10th standard. The crux of the allegation is that six months ago, when the victim girl was returning after hanging clothes to dry on the upstairs of accused No.1's house, the accused allegedly molested her. When the victim girl reported this to the petitioner, who is the uncle of accused No.1, the petitioner locked the door and threatened her not to reveal anything about the incident. The door was opened only after the victim girl assured the petitioner that she would not disclose the incident. The victim girl then reported the incident to her relative, and her parents. When they questioned accused No.1 and the petitioner, they were allegedly abused with filthy language and threatened



CRL.OP(MD). No.6096 of 2025

WEB COPY

with dire consequences. On March 8, 2025, accused No. 1 allegedly molested the victim girl again. Subsequently, the defacto complainant lodged a complaint with the respondent-police. Hence, the case.

4. Mr.S.Balaji, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that A1 was arrested and released on bail. He further submits that the petitioner is the paternal uncle of A1 and that, despite the victim girl having complained about the act of molestation committed by A1, the petitioner failed to take any action. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.

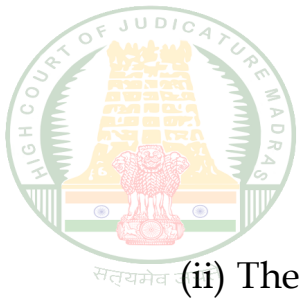


CRL.OP(MD). No.6096 of 2025

6. Heard on both sides. This Court has perused the records.
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7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation may not necessary in this case. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and also taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judge, Special Court for Exclusive Trial for under POCSO Act Cases, Dindigul, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of 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 for under POCSO Act Cases, Dindigul.



CRL.OP(MD). No.6096 of 2025

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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 Judge, Special Court for Exclusive Trial for under POCSO Act Cases, Dindigul shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant, the victim girl and witnesses and shall not tamper the evidence.



CRL.OP(MD). No.6096 of 2025

WEB COPY

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall not enter into the defacto complainant's house or her work place and shall also not try to contact the defacto complainant, victim and their family members either directly or through any electronic mode.

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judge, Special Court for Exclusive Trial for under POCSO Act Cases, Dindigul.

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



CRL.OP(MD). No.6096 of 2025

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

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/05/2025

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 Judge, Special Court for Exclusive Trial for under POCSO Act Cases,
Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.6096 of 2025

Date :15/04/2025

VN/26.05.2025 7P/4C

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