



CRL OP(MD). No.6295 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6295 of 2025

S.Duraupandi

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
(Crime No.23 of 2023)

... Respondent/Complainant

For Petitioner : Mr.N.Kamesh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER : To enlarge the petitioner / sole accused on bail in Spl.S.C.No.64 of 2024 pending on the file of the Fast Track Mahila Court, Dindigul.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.



CRL OP(MD). No.6295 of 2025

WEB COPY

2. The petitioner/sole accused was arrested and remanded to judicial custody on 28.02.2025 based on the non-bailable warrant issued against him. The petitioner is facing trial in Spl.S.C.No.64 of 2024 on the file of the learned Judge, Fast Track Mahila Court, Dindigul, for the alleged offences punishable under Section 9 of Child Marriage Restraint Act, 1929, Sections 5(l), 5(n), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.23 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the victim girl was taken to the Government Medical College and Hospital on 30.06.2023, where the attending doctor found that she was only 17 years old and was nine months pregnant. Subsequently, on 06.07.2023, the victim girl gave birth to a female child. Hence, the case.

4. Mr.N.Kamesh, learned counsel appearing for the petitioner, submits that the respondent-police filed absconding charge sheet against the petitioner and no summon was served on him. He further submits that the learned Judge, Fast Track Mahila Court, Dindigul without verifying the records, issued a non-bailable warrant on 09.09.2024 and the same was executed on 28.02.2025. He further submits that the petitioner has been in judicial custody since 28.02.2025 and is ready to abide by any



CRL OP(MD). No.6295 of 2025

condition 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 petitioner failed to appear before the learned Judge, Fast Track Mahila Court, Dindigul and hence, the learned Judge issued NBW and the same was executed after 3½ months. He therefore submits that if the petitioner is enlarged on bail, he will abscond and delay the trial proceedings. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 28.02.2025 and has been in judicial custody since then. Today, the victim girl, along with the child, is present before this Court and states that she married the petitioner and out of their marriage, one female child was born. In view of the facts and circumstances, 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



CRL OP(MD). No.6295 of 2025

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, Fast Track Mahila Court, Dindigul;

(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, Fast Track Mahila Court, Dindigul 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, Fast Track Mahila Court, Dindigul;

(iv) The petitioner shall appear and sign before the learned Judge, Fast Track Mahila Court, Dindigul weekly once i.e., on every Monday at 10.30 a.m., until further orders. Further, the petitioner should appear before the learned Judge, Fast Track Mahila Court, Dindigul on all hearings;

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



CRL OP(MD). No.6295 of 2025

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(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; and

(viii) On breach of any of the aforementioned conditions, the learned Judge, Fast Track Mahila Court, Dindigul 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/-

07/04/2025

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Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

MBI

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CRL OP(MD). No.6295 of 2025

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- TO
- 1 THE JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.
 - 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ODDANCHATRAM,
DINDIGUL DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6295 of 2025
Date :07/04/2025

SS/SAR- /07/04/2025/ 6P/5C

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