



CRL OP (MD) No.6188 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6188 of 2025

Surya @ Suryachelvan

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Sub Inspector of Police,
AWPS - BODI Police Station,
Crime No.6 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.T.T.Nishanth,
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.6 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-
<https://www.mhc.tn.gov.in/judis>



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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.

2. The petitioner / A1 was arrested and remanded to judicial custody on 20.03.2025 for the alleged offences punishable under Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.6 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and other accused person had sexually harassed two victim children by kissing and expressing love for them. Hence the case.

4. Mr.T.T.Nishanth, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 20.03.2025 and is ready to abide by any 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 based on the complaint given by the Social Worker-II from the child protection unit, the case has been registered



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against the petitioner and the other accused and that the accused persons had sexually assaulted two victim children by kissing and expressing love for them. He further submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and the victims as well as the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records including the First Information Report as well as the statement of the victim girls. Mother of the victim girls was also heard through 'in camera' proceedings.

7. The petitioner was arrested on 20.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and the period of incarceration suffered by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioner to reform himself, 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Judge, Principal Special
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Court for exclusive trial of POCSO Act Cases, Theni;

(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, Principal Special Court for exclusive trial of POCSO Act Cases, Theni 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, Principal Special Court for exclusive trial of POCSO Act Cases, Theni;

(iv) The petitioner shall stay at Trichy District and appear and sign before the Cantonment Police Station daily at 09.00 a.m. and 05.00 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



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evidence;

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(viii) The petitioner shall not enter into the Durairajapuram, Anaikaraipatti without prior permission from the learned Judge, Principal Special Court for exclusive trial of POCSO Act Cases, Theni;

(ix) The petitioner shall not cause threat to the defacto complaint and witnesses;

(x) The petitioner shall not try to contact the victim children either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Judge, Principal Special Court for exclusive trial of POCSO Act Cases, Theni 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/-
21/04/2025

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/04/2025
Sub-Assistant Registrar (VIGILANCE)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF
POCSO ACT CASES, THENI.
2. THE OFFICER-IN-CHARGE,
THENI PRISON.
- 3.THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to T.T.NISHANTH Advocate SR.No.4423(I) DT.21.04.2025

ORDER
IN
CRL OP(MD) No.6188 of 2025
Date :21/04/2025

PP//SAR-(21.04.2025) 6P 7C
Madurai Bench of Madras High Court is issuing
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