



CRL OP (MD) No.6786 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6786 of 2025

Jagadeswaran

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station, Vallam,
Thanjavur District.
Crime No.6 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Daniel Leo,
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 :-

This Criminal Original Petition has been filed by the petitioner on 08.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 16.02.2025 for the offences punishable under Section 137(2) and 87 of BNS, 2023 and Sections 11(4), 12, 5(1) and 6(1) 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 victim girl was in love with the petitioner, who asked her to come to Thanjavur. Accordingly, she travelled from Chennai to Thanjavur. However, the petitioner did not turn up and instead asked her to return to Chennai, stating that her parents had lodged a complaint at the police station. Thereafter, he switched off his mobile phone. Accused No.1 then gave his mobile phone to the victim girl to contact the petitioner. Subsequently, Accused No.1 took the victim girl to his sister-in-law's house, where he allegedly committed penetrative sexual assault on her on multiple occasions. Hence, the case.

4. Mr.A.Daniel Leo, 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 foisted against the petitioner. He further submits that the petitioner is a stranger and not a friend of Accused No.1. He further submits that the petitioner has been in judicial custody since 16.02.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the



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petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the victim girl is aged about 14 years. He further submits that the investigation has been completed and charge sheet has been filed before the concerned Court. He further submits that at this stage, if the petitioner is enlarged on bail, he may cause threat to the victim girl and other witnesses and delay the trial proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

6. This Court has considered the submissions made on either side. This Court has perused the First Information Report and the statement recorded from the victim girl under Section 183 of BNSS, 2023.

7. In view of the allegation made in the First Information Report and in view of the statement recorded from the victim girl under Section 183 of BNSS, 2023 and the fact that the investigation has been completed and the charge sheet has been filed before the concerned Court, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following



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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, Special Court for POCSO Act Cases, Thanjavur;

(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, Special Court for POCSO Act Cases, Thanjavur, 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, Special Court for POCSO Act Cases, Thanjavur;

(iv) The petitioner shall appear and sign before the learned Sessions Judge, Special Court for POCSO Act Cases, Thanjavur on all working days at 10.00 a.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 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



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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;

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(viii) The petitioner shall not directly or indirectly cause any threat to the victim girl and the witnesses and shall also not try to contact the victim girl through his men or agent or any other electronic mode;

(ix) The petitioner shall not enter into residence of the victim girl or her school until further orders; and

(x) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for POCSO Act Cases, Thanjavur 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/-
15/04/2025

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15/04/2025

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, Special Court for POCSO Act Cases, Thanjavur.
 2. The Officer-in-Charge, District Jail, Pudukkottai.
 3. The Inspector of Police,
All Women Police Station, Vallam, Thanjavur District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.A.DANIEL LEO, Advocate (SR-4236[I] dated 15/04/2025)

ORDER
IN
CRL OP(MD) No.6786 of 2025
Date :15/04/2025

NBF/SAR/ (15/04/2025) 6P/6C

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