



CRL OP(MD). No.6529 of 2025

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

Date : 08/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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S.Ajithamalajeewan,

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
Cr.No.405 of 2024..

... Respondent/Complainant

For Petitioner : Mr.R.Aravindraj,
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. 405 of 2024 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 04.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner /Sole Accused was arrested on the basis of Non Bailable



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Warrant issued against him and remanded to judicial custody on 02.03.2025. The petitioner is facing trial in Spl.S.C.No.35 of 2024 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, for the offences punishable under Section 87 of Bharatiya Nyaya Sanhita, 2023, and Section 5(1) r/w 6 of POCSO Act, 2012 in connection with Crime No.405 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the daughter of the defacto complainant was found missing from 12.11.2024 and initially the case was registered by the respondent-Police under Girl Missing subsequently, after securing the victim girl aged about 15 years along with the petitioner herein, the case was altered to Section 87 of Bharatiya Nyaya Sanhita, 2023, and Section 5(1) r/w 6 of POCSO Act, 2012. After investigation, the respondent-Police filed a final report and the same was taken on file in Spl.S.C.No.35 of 2024, by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. On the date of trial on 11.12.2024, the petitioner failed to appear before the Court. Hence, a Non Bailabel Warrant was issued in Spl.S.C.No.35 of 2024 against the petitioner. Based on the NBW, the petitioner was arrested on 22.02.2025 in Spl.S.C.No.35 of 2024. To be noted, the present FIR was registered during pendency of Spl.S.C.No.35 of 2024. Since the petitioner failed to appear before the Special Court in this case, a Non Bailable



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Warrant was issued on 11.12.2024. The petitioner was arrested and remanded on 22.02.2025 in Spl.S.C.No.35 of 2025 and formal arrest effected in this Crime No.405 of 2024 on 02.03.2025.

4. Mr.R.Aravindraj, learned counsel appearing for the petitioners, submits that due to ill-health, the petitioner was unable to appear before the trial Court on 11.12.2024. Hence, the trial Court issued Non Bailable Warrant against the petitioner on 11.12.2024 and the same was executed on 02.03.2025 by way of formal arrest and remanded to judicial custody in this case. Hence, he prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned counsel appearing for the respondent-Police, submits that the case in Spl.S.C.No.35 of 2024 is at the stage of trial. He further submits that due to the non-appearance of the accused persons, the trial proceedings have been delayed. He further submits that now the case is posted for examination of the investigation officer on 17.04.2025, at this stage, if the petitioner is enlarged on bail, he may abscond, which will also cause delays in the trial proceedings. He further submits that at the time of occurrence, the victim girl was aged about 15 years old. Hence, he vehemently opposes the grant of bail to the petitioners.

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

7.It is learnt that the petitioner filed recall petition in Spl.S.C.No.35 of 2024 to



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recall P.W.3 and P.W.4 and the same was allowed. Considering the nature of the
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offence and also considering the fact that now the case in Spl.S.C.No.35 of 2024 is
posted for examination of the investigating officer and P.W.3 and P.W.4 on
17.04.2025, at this stage, if bail is granted to the petitioner, the petitioner may
abscond and thereby cause delay in the trial proceedings. To be noted, the present
case was registered during the pendency of Spl.S.C.No.35 of 2024. Hence, if bail is
granted to the petitioner in this crime No.405 of 2024, he may commit similar offence
and cause threat to the victim girl. Taking into account of all the factors, this Court is
not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
08/04/2025

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/05/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

1.THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT.



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2.THE OFFICER IN CHARGE, DISTRICT JAIL, DINDIGUL.

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3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

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Date :08/04/2025

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