



CRL OP (MD) No.6645 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6645 of 2025

Manikandan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kurivikulam Police Station,
Thenkasi District.
Crime No.147 of 2023

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in connection with the case in Special S.C.No.105/2025 on the file of the Principal District Court, Thenkasi in Crime No.147 of 2023 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 07.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested based on the non-bailable warrant issued against him by the learned Principal Sessions Judge, Thenkasi in Spl.S.C.No.105 of 2025 and remanded to judicial custody on 01.04.2025. The petitioner is facing trial in Spl.S.C.No.105 of 2025 on the file of the learned Principal Sessions Judge, Thenkasi for the alleged offences punishable under Section 366 of Indian Penal Code, 1860, Section 8 read with Section 7 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(I) and 3(1)(w)(II) of the Schedules Castes and Schedules Tribes (Prevention of Atrocities) Act in Crime No.147 of 2023 on the file of the respondent-police. Since the petitioner has not appeared before the Trial Court for hearing on 13.03.2025, a non bailable warrant was issued against him and the same was executed on 01.04.2025.

3. Mr.N.Balasubramanian, the learned counsel appearing for the petitioner, submits that the petitioner has been regularly appearing for all hearings before the



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Trial Court prior to 13.03.2025. He further submits that the petitioner was unable to appear before the Trial Court on 13.03.2025 due to his ill-ness, and hence, a non-bailable warrant was issued against him. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

4. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner has been secured based on the non-bailable warrant issued against him, and hence, if bail is granted to him, he will again abscond and will not appear for hearing, thereby further delaying the trial proceedings. He, therefore, prays to dismiss the Criminal Original Petition.

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

6. In view of the fact that it is alleged that the petitioner was suffering from illness and was therefore unable to appear before the Trial Court, and considering that he had been regularly appearing before the Trial Court prior to 13.03.2025, this Court is of the opinion that one more opportunity may be granted to the petitioner to appear before the Trial Court and cooperate with the trial. Further, the petitioner has



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permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the above, 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 only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Principal District Judge, Thenkasi;

(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 Principal District Judge, Thenkasi 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 Principal District Judge, Thenkasi;

(iv) The petitioner shall appear and sign before the learned Principal District Judge, Thenkasi weekly once i.e., on every Monday at 10.30 a.m., until further orders.



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The petitioner shall appear before the learned Principal District Judge, Thenkasi on all hearing dates;

(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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Principal District Judge, Thenkasi is entitled to pass appropriate orders against the petitioner in



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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].

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

sd/-
09/04/2025

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09/04/2025

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

MBI

TO

- 1 THE PRINCIPAL DISTRICT JUDGE
TENKASI.
- 2 THE INSPECTOR OF POLICE,
KURIVIKULAM POLICE SSTATION,
THENKASI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.6645 of 2025
Date :09/04/2025

SS/SAR- /09/04/2025/ 7P/5C

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