



CRL OP (MD) No.6658 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.6658 of 2025

Subramanian

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.
Crime No.3 of 2025

... Respondent/Complainant

For Petitioner : Mr.P.Banuprasath
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.3 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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 and remanded to judicial custody on 03.02.2025 for the alleged offences punishable under Sections 3(b), 4, 5(m) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 31.01.2025, the petitioner has sexually assaulted the defacto complainant's daughter aged about 5 years. Hence the case.

4. Mr.P.Banuprasath, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He further submits that the petitioner has been in judicial custody since 03.02.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that in this case investigation has been completed, charge sheet has been filed and the same was taken on file in Special S.C.No.72 of 2025 and that the case is posted today for appearance of the petitioner. He therefore submits that at this stage, if the petitioner is enlarged on bail, he will abscond and cause delay to the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report as well as the statement of the victim.

7. The petitioner was arrested on 03.02.2025 and has been in judicial custody since then. It appears that in this case, charge sheet has been filed and the same was taken on file in Special S.C.No.72 of 2025. Considering the same, and also considering the nature of offences allegedly committed by the petitioner, and taking note of the period of incarceration, 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:



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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 Judge, Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi;

(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, Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi 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, Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi;

(iv) The petitioner shall stay at Virudhunagar District and appear and sign before the Virudhunagar Bazaar Police Station daily at 10.00 a.m., until further orders;



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(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 evidence;

(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, victim girl, and the witnesses and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(ix) On breach of any of the aforementioned conditions, the learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi is entitled to pass appropriate orders against the petitioner in accordance with law as if the



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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/-
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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO:

THE INSPECTOR OF POLICE
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-4150[I] dated 09/04/2025)

ORDER
IN
CRL OP(MD) No.6658 of 2025
Date :09/04/2025

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

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