



CRL OP (MD) No.6660 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

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K.Ayyappan

... Petitioner/ A1

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Guziliamparai Police Station,
Dindigul.

Crime No.100 of 2022

... Respondent/Complainant

For Petitioner : Mr.P.Manikandan
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 respect of Spl.S.C.No.179 of 2023 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Dindigul in Crime No.100 of 2022 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 07.04.2025 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/A1 was arrested and remanded to judicial custody on 15.02.2025 based on the non-bailable warrant issued against him by the learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul in Spl.S.C.No.179 of 2023. The petitioner is facing trial in Spl.S.C.No.179 of 2023 on the file of the learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul for the alleged offences punishable under Section 366(A) of Indian Penal Code, 1860, Sections 5(n)(l) read with Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.100 of 2022 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the victim girl, who is a minor, had love affair and the petitioner eloped with the victim girl. Hence the case.

4. Mr.P.Manikandan, the learned counsel appearing for the petitioner submits that the petitioner has been in judicial custody since 15.02.2025. He further submits that since the petitioner has not appeared before the Trial Court on 17.05.2023, the non-bailable warrant was issued against him. He submits that the petitioner is ready to abide by any condition to 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)



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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, again, he will abscond and will not appear for the hearing and thereby cause delay in the trial proceedings. He also submits that the petitioner has no previous case. He however, prays to dismiss the 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 girl.

7. The petitioner was arrested on 15.02.2025 and has been in judicial custody. The petitioner failed to appear before the learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul on 17.05.2023. Hence non-bailable warrant was issued against him and the same was executed on 15.02.2025. The petitioner did not assign any reason for his non-appearance on 17.05.2025. However, considering the fact that the petitioner has no previous case and in the interest of justice and with a view to give one more opportunity to the petitioner to appear before the Trial Court and cooperate with the trial, 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 Judge, Special Court for Exclusive
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Trial of cases under POCSO Act, Dindigul;

(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, Dindigul shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) 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;

(v) 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;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul;

(vii) The petitioner shall appear and sign before the learned Judge, Special



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Court for Exclusive Trial of cases under POCSO Act, Dindigul on all working days at
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10.30 a.m., until further orders. The petitioner shall co-operate with the trial Court
for speedy disposal of the case; and

(viii) On breach of any of the aforementioned conditions, the learned Judge,
Special Court for Exclusive Trial of cases under POCSO Act, Dindigul 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.

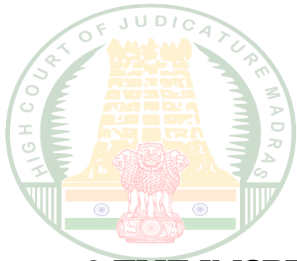
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09/04/2025

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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, DINDIGUL.

2 THE OFFICER INCHARGE,
DINDIGUL DISTRICT JAIL, DINDIGUL.



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3 THE INSPECTOR OF POLICE,
GUZILIAMPARAI POLICE STATION,
DINDIGUL.

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

ORDER IN
CRL OP(MD) No.6660 of 2025
Date :09/04/2025

SA/SAR. /09.04.2025/6P/5C

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