



CRL OP (MD) No.6891 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sasikumar

... Petitioner/ A1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
Crime No.50 of 2024

... Respondent/ Complainant

For Petitioner : Mr.K.R.Manimaran,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :- For Bail in Crime No.50 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 15.04.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
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grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on 08.11.2024 for the offences punishable under Sections 127(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 and Sections 5(1), 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.50 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, the mother of the victim girl, lodged a complaint with the respondent-police stating that her daughter, aged about 17, studied near a temple where the petitioner committed penetrative sexual assault on her, resulting in her pregnancy. Hence, the case.

4. Mr.K.R.Manimaran, 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 him. He however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 08.11.2024. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side), appearing for the respondent-police, submits that at the time of the incident, the victim was about 17 years old. He further submits that the investigation has been



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completed, and the Investigating Agency is awaiting for DNA report. Additionally, he contends that if the petitioner is released on bail, he may cause threat to the complainant, the victim, and other witnesses. 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.

7. The petitioner was arrested on 08.11.2024 and remanded to judicial custody since then. In view of the allegations made in the First Information Report and the statement recorded from the victim girl under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and considering the fact that the investigation has been completed and the investigating agency is awaiting only for DNA report, 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 deep roots in the society, 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 conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand



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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, Principal Special Court for Exclusive trial of Cases under POCSO Act, Madurai;

(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, Principal Special Court for Exclusive trial of Cases under POCSO Act, Madurai, 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, Principal Special Court for Exclusive trial of Cases under POCSO Act, Madurai;

(iv) The petitioner shall appear and sign before the learned Judge, Principal Special Court for Exclusive trial of Cases under POCSO Act, Madurai, on all working days, at 10.30 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 defacto complainant, 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 work place/school/college until further orders; and

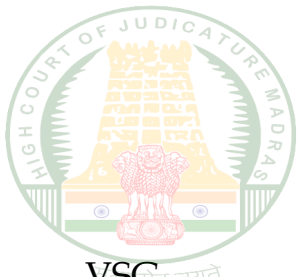
(x) On breach of any of the aforementioned conditions, the learned Judge, Principal Special Court for Exclusive trial of Cases under POCSO Act, Madurai, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid 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/-
28/04/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO WEB COPY

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY.

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

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-5232[I] dated 30/04/2025)

ORDER
IN

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Date :28/04/2025

SA/SAR. /30.04.2025/6P/6C

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