



CRL.OP(MD). No.6797 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6797 of 2025

Chandru

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.2 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.2 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Muniyandi,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 08.04.2025



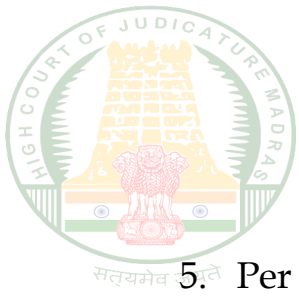
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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 3, 4, 5(1) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the victim girl was in a romantic relationship with one of the accused persons, during which he is alleged to have committed penetrative sexual assault on her. Based on this, the defacto complainant lodged a complaint with the respondent-police. Hence, the case.

4. Mr.S.Muniyandi, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He further submits that the petitioner and the victim girl were in a romantic relationship. Upon the victim girl's family coming to know about their relationship, they did not approve of it. Consequently, the defacto complainant lodged a complaint before the respondent police. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner had committed penetrative sexual assault on the victim girl. He further submits that the accused persons misbehaved with the victim girl. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the statements recorded from the victim girls under Section 183 of BNSS, 2023.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner may not be necessary in this case. The petitioner has permanent residence. Therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and also taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Uthamapalayam, within a period of 15 days from date on which the order copy is



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made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Uthamapalayam.

(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 Judicial Magistrate, Uthamapalayam shall obtain a copy of any one of identity proofs to ensure their identity.

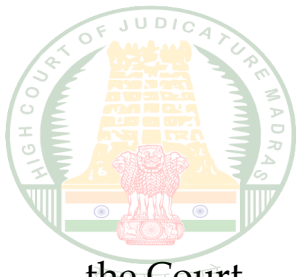
(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Saturday at 10.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant, the victim girl and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of



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the Court.

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(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam or Trial Court, as the case may be, 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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/05/2025

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

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TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, UTHAMAPALAYAM, THENI DISTRICT.



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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-4973[I] dated 29/04/2025)

ORDER
IN

CRL OP(MD) No.6797 of 2025
Date :28/04/2025

NBF/27.05.2025 6P/6C

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