



CRL OP (MD) No.7067 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7067 of 2025

Balachandar

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.275 of 2025)

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
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.275 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

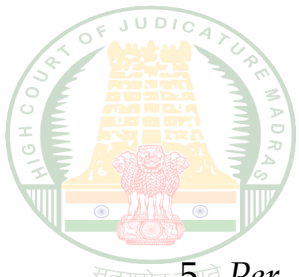
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This Criminal Original Petition has been filed by the petitioner on 16.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 18.03.2025 for the offences punishable under Sections 75(1)(i), 75(1)(ii) and 75(2) of Bharatiya Nyaya Sanhita (BNS), 2023, @ Section 64(2)(e) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.275 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 18.03.2025, at about 02.20 p.m., the victim went to the hospital to confirm her pregnancy and met the petitioner, who was the duty doctor. The petitioner, while examining her, has spoken unwarranted words and made sexual harassment on her. Hence, the complaint.

4. Mr.R.Anand, 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 the petitioner. He further submits that the petitioner has been in judicial custody since 18.03.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.



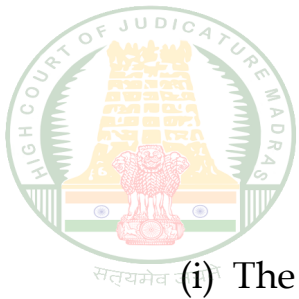
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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner had made

sexual harassment on the victim. He further submits that there is no previous case pending against the petitioner. He however submits that if the petitioner is enlarged on bail, he may cause threat to the victim and witnesses. Accordingly, he strongly opposes to grant bail to the petitioner.

6. This Court has considered the submissions made on either side and perused records including the First Information Report as well as the statement of the Medical Officer, Government Primary Health Centre, Panakudi.

7. The petitioner was arrested on 18.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and in view of the statement of the Medical Officer, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency 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, and taking note of the fact that there is no previous case pending 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 bail to the petitioner, however, subject to the following conditions:



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(i) The petitioner shall execute a bond for 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, Vallioor, Tirunelveli District;

(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, Vallioor, Tirunelveli District, 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 Judicial Magistrate, Vallioor, Tirunelveli District;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Vallioor, Tirunelveli District, weekly twice (ie.on every Monday and Friday) at 10.00 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 or promise to any person acquainted with the facts of the case so as to dissuade him



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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, the family members of the victim and witnesses;

(ix) The petitioner shall not enter into Eruvadi Village and shall also not communicate with the victim, her family members through any electronic devices or through his men or agents or directly; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Vallioor, Tirunelveli District, 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/-
24/04/2025

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/04/2025
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,
Vallioor, Tirunelveli District.
2. The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District.
- 4.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.7067 of 2025
Date :24/04/2025

PP/SAR. /25.04.2025/6P/6C

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