



CRL OP (MD) No.6968 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.04.2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.6968 of 2025

Mangudi

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
Crime No.7 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Balaji
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.7 of 2025 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 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/sole accused was arrested and remanded to judicial custody on 12.03.2025 for the alleged offences punishable under Sections 137(2) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 7 read with Section 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.7 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner abducted a minor girl aged 17 years, took her to a secluded place, and committed sexual assault on her. Hence the case.

4. Mr.A.Balaji, 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 on the said day, the victim girl had voluntarily come to the petitioner's house and informed the petitioner's parents that her own parents were attempting to get her married to someone against her will. Thereafter, the petitioner immediately took the victim girl to the respondent-police and informed them of the situation. However, instead of warning the victim girl's parents, the respondent police registered a case against the petitioner. He further submits that the petitioner has been in judicial custody since 12.03.2025 and is ready to abide by any condition to 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 (Criminal Side) appearing for the respondent-police, submits that the investigation is yet to be completed, and therefore, at this stage, if the petitioner is enlarged on bail, he will cause threat to the defacto complainant, victim girl and witnesses and thereby cause delay to the investigation proceedings. He prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records including the First Information Report as well as the statement of the victim girl.

7. The petitioner was arrested and has been in judicial custody since 12.03.2025. In view of the offences allegedly committed by the petitioner as well as the statement of the victim girl, this Court is of the view that further custody of the petitioner is not necessary for the investigation agency in this case. Further, the petitioner has permanent residence and deep roots in the society. 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 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 Sessions Judge, Special Court for exclusive trial of POCSO Act Cases, Sivagangai;

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(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 Sessions Judge, Special Court for exclusive trial of POCSO Act Cases, Sivagangai 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 Sessions Judge, Special Court for exclusive trial of POCSO Act Cases, Sivagangai;

(iv) The petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Sunday and Monday 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 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



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from disclosing such facts to the Court or to any police officer or tamper with the
evidence;

(viii) The petitioner shall not enter into the victim girl's house or school/college;

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

(x) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for exclusive trial of POCSO Act Cases, Sivagangai 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/-

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17/04/2025

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

MBI

TO

1 THE SESSIONS JUDGE,

SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO ACT CASES, SIVAGANGAI.



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2 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-4371[I] dated 17/04/2025)

ORDER IN
CRL OP(MD) No.6968 of 2025
Date :17/04/2025

SA/SAR. /17.04.2025/6P/6C

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