



CRL OP (MD) No.6995 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

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Prabhakaran

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.
Crime No.7 of 2023

... Respondent/Complainant

For Petitioner : Mr.R.Karthic Rajan
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.7 of 2023 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
grant bail.

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2. The petitioner/sole accused was arrested and remanded to judicial custody on 15.02.2025 based on the NBW issued by the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Dindigul in Spl.S.C.No.367 of 2023. The petitioner is facing trial in Spl.S.C.No.367 of 2023 on the file of the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Dindigul for the alleged offences punishable under Section 9 of Prohibition of Child Marriage Act, 2006, Sections 5(l), 5(j)(ii), 5(n) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.7 of 2023 on the file of the respondent-police.

3. Mr.R.Karthic Rajan, learned counsel appearing for the petitioner, submits that the victim girl has now attained the age of majority; the petitioner has married the victim girl; and they are residing under one roof as husband and wife and are blessed with a female child. He further submits that the petitioner is ready to co-operate with the trial. He also submits that the petitioner is ready to comply with any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, on instructions, submits that the petitioner and the victim girl are residing under one roof and are blessed with a female child.



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He also submits that the victim girl has attained the age of majority. However, since the petitioner failed to appear before the trial Court on the date of hearing, Non-Bailable Warrant (NBW) was issued and the same was executed on 15.02.2025. He prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 15.02.2025 and has been in judicial custody. Since the petitioner has not appeared before the Trial Court on 15.02.2025, NBW was issued and executed on the same day by arresting the petitioner. In view of the fact that the victim girl has now attained the age of majority; the petitioner has married the victim girl; and they are residing under one roof as husband and wife and are blessed with a female child, this Court is of the view that one more opportunity may be granted to the petitioner to co-operate with the trial. 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
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exclusive trial of Cases under POCSO Act, Dindigul;

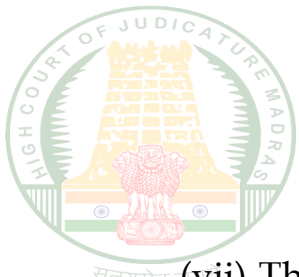
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Dindigul shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Dindigul;

(iv) The petitioner shall appear and sign before the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Dindigul weekly once, i.e., on every Monday at 10.30 a.m., until further orders. The petitioner shall appear before the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Dindigul on all hearing dates without fail;

(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;



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

(viii) On breach of any of the aforementioned conditions, the learned Sessions 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.

sd/-
17/04/2025

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17/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Sessions Judge, Special Court for exclusive trial of Cases
under POCSO Act, Dindigul.

2.The officer-in-charge, District Prison, Dindigul.



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3. The Inspector of Police, All Women Police Station,
Vadamadurai, Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-4377[I] dated 17/04/2025)

ORDER
IN
CRL OP(MD) No.6995 of 2025
Date :17/04/2025

NBF/SAR/ (17/04/2025) 6P/6C

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