



CRL.OP(MD). No.7093 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.7093 of 2025

Pomisha

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
All Women Police Station,  
Nagercoil,  
Kanniyakumari District.  
(Crime No.17 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.17 of 2025 on the file of the respondent police.

For Petitioner : Mr.N.Pragalathan,  
Advocate

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

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 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying 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 115(2), 331, 296(b), 351(2) of BNS, 2023 and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.17 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the three people have been named as accused: the 1st accused (petitioner's brother), the 2nd accused (petitioner's mother), and the petitioner himself (3rd accused). The case was filed by the mother of a 17-year-old girl who stated that her daughter was deceived and harassed by the 1st accused, who pretended to be in love with her. He reportedly took her photos and used them to threaten her. The 1st and 2nd accused conspired to circulate edited photos and later created a public scene near a temple. On 15.02.2025, all three accused allegedly trespassed into the defacto complainant's home, threatened to defame the girl, and the petitioner (3rd accused) physically assaulted her. Hence, the case.



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4. Mr.N.Pragalathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she 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 are friends. Consequently, the defacto complainant falsely lodged a complaint against the petitioner and her family members 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons trespassed into the defacto complainant's home, threatened to defame the victim girl, and the petitioner physically assaulted her. Therefore, he contends that, if the petitioner is granted pre-arrest bail, she 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



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statement recorded from the victim girl under Section 183 of BNSS, 2023.

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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 herself, 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 her arrest or in the event of her surrender before the learned Judge, Special Court for the POCSO Act Cases, Nagercoil, Kanniyakumari District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of 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 Judge, Special Court for the POCSO Act Cases, Nagercoil, Kanniyakumari District.

(ii) The sureties shall affix their photographs and left thumb impression in the



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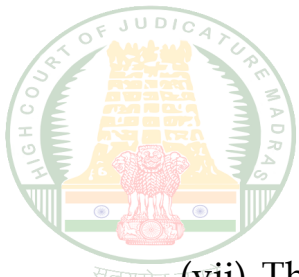
Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for the POCSO Act Cases, Nagercoil, Kanniyakumari District shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police as and when required for interrogation.

(iv) The petitioner shall make herself 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.



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the Court.

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

(viii) The petitioner shall furnish her residential address and mobile number to the learned Judge, Special Court for the POCSO Act Cases, Nagercoil, Kanniyakumari District.

(ix) On breach of any of the aforementioned conditions, the learned Judge, Special Court for the POCSO Act Cases, Nagercoil, Kanniyakumari District 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 JUDGE,  
SPECIAL COURT FOR THE POCSO ACT CASES,  
NAGERCOIL, KANNIYAKUMARI DISTRICT.

2.THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
NAGERCOIL,  
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate ( SR-5223[I] dated 30/04/2025 )

ORDER  
IN  
CRL OP(MD) No.7093 of 2025  
Date :28/04/2025

HPS/29.05.2025 /7P/5C

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