

CRL OP(MD). No.7482 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

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1.Jaybharat
2.Murugesu Nadar
3.Kani

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.
Crime No.14 of 2025

... Respondent/ Complainant

For Petitioners : Mr.K.A.Ramakrishnan

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.14 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 petitioners on 22.04.2025



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

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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.14 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the first petitioner is the father of the victim girl and the petitioners 2 and 3 are grandparents of the victim girl. During August 2020 to July 2021, the first petitioner touched the victim girl in a uncomfortable manner and when the same was informed to petitioners 2 and 3, they justified the action of the first petitioner. Hence, the case.

4. Mr.K.A.Ramakrishnan, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them. He further submits that the petitioners are now residing at Bangalore and the first petitioner is working as a Software Engineer and the petitioners 2 and 3 are parents of the first petitioner. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that Accused No.1 involved in sexual



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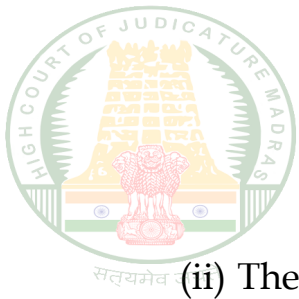
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assault on his own minor daughter. A2 and A3 being grandparents of victims have justified the acts instead of protecting the victim girl. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report and the statement of the victim girl.

7. It is stated that the petitioners are now residing at Bangalore. In view of the facts and circumstances of the case and in view of the statement of the victim girl, this Court is of the view that custodial interrogation of petitioners is not required and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Special Judge, Special Court for exclusive trial of POCSO Act Cases, Tuticorin District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Special Judge, Special Court for exclusive trial of POCSO Act Cases, Tuticorin District;



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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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners 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;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the learned Special Judge, Special Court for exclusive trial of POCSO Act Cases, Tuticorin District weekly once i.e., on every Monday at 10.30 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Special Judge, Special Court for exclusive trial of POCSO Act Cases, Tuticorin District;

(viii) The petitioners shall not enter into Arumuganeri Village, Thoothukudi District without prior permission from the learned Special Judge, Special Court for



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exclusive trial of POCSO Act Cases, Tuticorin District and shall not enter into the
victim girl's residence or workplace;

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(ix) The petitioners shall not try to contact the victim girl or her mother either directly or through any electronic mode;

(x) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(xi) On breach of any of the aforementioned conditions, learned Special Judge, Special Court for exclusive trial of POCSO Act Cases, Tuticorin District, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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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/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai.

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TO
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1.The Special Judge,
Special Court for exclusive trial of POCSO Act Cases,
Tuticorin District

2.The Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.

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

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-4806[I] dated 25/04/2025)
CRL OP(MD) No.7482 of 2025
Date : 24.04.2025

BV (07/05/2025) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.