



CRL OP(MD). No.8202 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.05.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Shanmugasundram

... Petitioner / Sole Accused

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Aranthangi, AWPS,
Pudukottai District.
(Crime No. 1 of 2025)

... Respondent/Complainant

For Petitioner : Mr.K.Khari Kharadas

For Respondents : Mr.S.S.Manoj

Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No. 1 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner / sole accused was arrested and remanded to judicial custody on 05.02.2025 for the alleged offences punishable under Sections 5(1), 5(n), 5(j)(ii) r/w 6(1) of POCSO Amendment Act 2019 and under sections 363, 342, 506(i) IPC in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner herein promised to marry the victim girl and had sexual intercourse with her. When victim girl inform him about her pregnancy, he denied his responsibility. Hence, the case.

4. Mr.K.Kharikharadas, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-operate with the investigating agency. He further submits that if bail is granted to the petitioner, he will not abscond. He further submits that the petitioner has been in judicial custody since 05.02.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Criminal Side)



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appearing for the respondent-Police, submits that the victim girl is aged about 17 years. He further submits that if bail is granted to the petitioner, he may abscond and thereby, cause delay to the investigation proceedings. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses. He further submits that blood samples for conducting DNA Test has been collected from the petitioner. Accordingly, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner was arrested on 05.02.2025 and has been in judicial custody since then. Considering the nature of offences alleged against the petitioner and also considering the fact that blood samples for conducting DNA test has already been collected from the petitioner, further custody of the petitioner is not necessary in this case. Considering the facts and circumstances, this Court is of the view that further custody of the petitioner is not required. The petitioner has permanent residence. Hence, there is less possibility for absconding. Hence, this Court does incline to enlarge the petitioner on bail 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Judge, Mahila Court,
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Pudukkottai;

(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 Judge, Mahila Court, Pudukkottai. shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023;

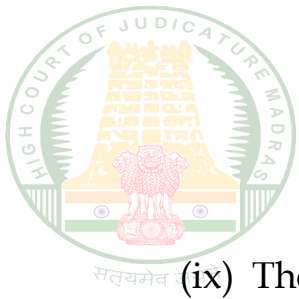
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(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 or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judge, Mahila Court, Pudukkottai;

(vii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

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



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

(x) On breach of any of the aforementioned conditions, the learned Judge, Mahila Court, Pudukkottai 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/-
08/05/2025

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDGE
MAHILA COURT, PUDUKKOTTAI.

2 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.



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3 THE INSPECTOR OF POLICE
ARANTHANGI , AWPS,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.K.KHARIKHARADAS, Advocate (SR-5474[I] dated 09/05/2025)

ORDER
IN
CRL OP(MD). No.8202 of 2025
Date :08/05/2025

HPS/12.05.2025 /6P/6C

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