



CRL OP (MD) No.7786 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7786 of 2025

Mohideen Ilyas
@ Mohaideen Ilyas

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Thiruchendur, Tuticorin District.
Crime No.21 of 2024

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

To enlarge the petitioner on bail in the case in Spl.S.C.No.65 of 2025 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.



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ORDER : The Court made the following order:

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This Criminal Original Petition has been filed by the petitioner on 24.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 03.02.2025 for the offences punishable under Sections 5(n), 5(m), r/w. 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 351 of Bharatiya Nyaya Sanhita (BNS), 2023, in Spl.S.C.No.65 of 2025 on the file of the learned Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Thoothukudi in Crime No.21 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, who is the father of the victim, has sexually harassed the victim girl, aged about 3 years. Hence, the complaint.

4. Mr.C.Susi Kumar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He



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further submits that due to the matrimonial dispute between the petitioner and the defacto complainant, the mother of the victim girl, they had been living separately for the past four years and had thereafter reunited. He further submits that since the petitioner refused to pay a sum of Rs.50,00,000/- claimed by the defacto complainant as a one-time settlement, she has filed a false complaint against the petitioner in order to harass him. He further submits that the petitioner has been in judicial custody since 03.02.2025 and is ready to abide by 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, submits that owing to vaginal pain, the victim minor was taken by the defacto complainant to the hospital, where medical examination revealed that she had been sexually assaulted. He further submits that the investigation in this case has already been completed and the charge sheet has been filed, which has been taken on file as Spl.S.C.No.65 of 2025 by the learned Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Thoothukudi. He further submits that if the petitioner is released on bail, he will abscond, thereby causing delay in the trial proceedings and will also cause threat to the defacto complainant and victim child. He therefore prays for dismissal of this petition.



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6. Heard on both sides and perused the records including the First Information Report as well as the statement of victim child recorded under Section 183 of BNSS, 2023.

7. The petitioner was arrested on 03.02.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and taking note of the fact that the investigation in this case has been completed and the charge sheet has been filed, which has been taken on file as Spl.S.C.No.65 of 2025 by the learned Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration, 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 Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Thoothukudi;



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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 Judge, Special Court for the Exclusive trial of Cases under POCSO Act, Thoothukudi 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 Judge, Special Court for the Exclusive trial of Cases under POCSO Act, Thoothukudi;

(iv) The petitioner shall stay at Nagercoil after the execution of suretyship and shall appear and sign before the Inspector of Police, Town Police Station, Nagercoil, daily at 9:00 a.m. and 6:00 p.m. until further orders. Further, the petitioner shall appear before the concerned Court on all hearing dates without fail, by informing the Inspector of Police, Town Police Station, Nagercoil, and producing evidence of such appearance;

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



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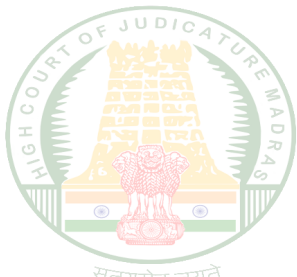
(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(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 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 Kayalpattinam, Toothukudi District, without prior permission from the learned Judge, Special Court for the Exclusive Trial of Cases under POCSO Act, Thoothukudi;

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

(x) On breach of any of the aforementioned conditions, the learned Judge, Special Court for the Exclusive trial of Cases under POCSO Act, Thoothukudi is



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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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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUCHENDUR,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT,
SUB JAIL, PERURANI, THOOTHUKUDI.

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

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COPY TO:

THE INSPECTOR OF POLICE
TOWN POLICE STATION, NAGERCOIL.

ORDER
IN
CRL OP(MD) No.7786 of 2025
Date :28/04/2025

SS/SAR- /29/04/2025/ 8P/6C

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