



CRL OP (MD) No.8114 of 2025

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

Date : 30/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.8114 of 2025

M.Francis

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
All Women Police Station,
Collachal, Kanyakumari District.
(Crime No.8 of 2024)

... Respondent/Complainant

For Petitioner : Mr.D.Senthil
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.8 of 2024 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 28.04.2025 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



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on 23.05.2024 for the offences punishable under Sections 376(3) and 506(i) of Indian Penal Code, 1860 and Sections 5(1), 5(n), 6, 7 and 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.8 of 2024, on the file of the respondent-police.

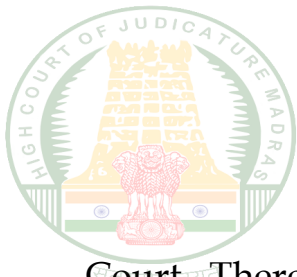
3. The case of the prosecution is that the petitioner abducted his daughter, the victim, a minor girl, and committed sexual assault on her. Hence, the case.

4. Mr.D.Senthil, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against him. He further submits that this is the second bail petition, and the earlier petition filed by the petitioner in CrI.O.P.(MD) No.18586 of 2024 was dismissed by this Court vide order dated 28.10.2024. Paragraph No.4 of the said order reads as follows:

“4. ... Therefore, for the present I am not inclined to enlarge the petitioner on bail. Depending on the examination and cross examination of the victim child during the course of trial, it will be open for the petitioner to again approach this Court.

5. Accordingly, this petition is dismissed.”

He further submits that, in the present case, the trial has commenced and PW-1 and PW-2, viz., the defacto complainant and the mother of the defacto complainant, have been examined. He also submits that the petitioner has been in judicial custody since 23.05.2024 and is ready to abide by any condition that may be imposed by this



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Court. Therefore, he prays for granting bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner committed sexual assault on his own daughter, and therefore, if granted bail, he may cause threat to the defacto complainant and witnesses and may also abscond, thereby causing delay in trial proceedings. Hence, he prays to dismiss this petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 23.05.2024 and has been in judicial custody since then. In view of the fact that the trial has commenced and PW-1 and PW-2, viz., the defacto complainant and the mother of the defacto complainant, have been examined, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. 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 an order of bail to the petitioner, however, 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 Special Judge for Exclusive Trial of



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Cases under POCSO Act, Kanniyakumari at Nagercoil;

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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 Special Judge for Exclusive Trial of Cases under POCSO Act, Kanniyakumari at Nagercoil, 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 Special Judge for Exclusive Trial of Cases under POCSO Act, Kanniyakumari at Nagercoil;

(iv) The petitioner shall stay at Kanyakumari and shall appear and sign before the Inspector of Police, All Women Police Station, Kanyakumari, daily at 5.00 p.m., until further orders;

(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 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



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evidence;

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(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses;

(ix) The petitioner shall not enter into Puthur Village, where the defacto complainant resides, without prior permission from the learned Special Judge for POCSO Act Cases, Kanniyakumari at Nagercoil. Further, the petitioner shall not contact the defacto complainant, either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Kanniyakumari at Nagercoil, 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.

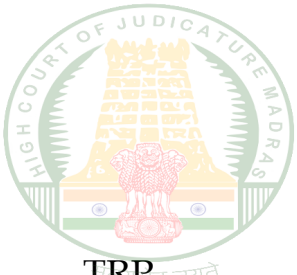
sd/-

30/04/2025

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02/05/2025

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



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1. The Special Judge for Exclusive Trial of Cases under POCSO Act,
Kanyakumari at Nagercoil;
 2. The Officer Incharge, District Prison, Nagercoil.
 3. The Inspector of Police,
All Women Police Station, Collachal, Kanyakumari District.
 4. The Inspector of Police,
All Women Police Station, Kanyakumari, Kanyakumari District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.D.SENTHIL, Advocate (SR-5177[I] dated 30/04/2025)

ORDER
IN

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Date :30/04/2025

NBF/SAR/02.05.2025 6P/7C

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