



CRL OP (MD) No.8112 of 2025

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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.8112 of 2025

Sasikumar

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
Crime No.7 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

For Respondent : Mr.M.Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.7 of 2025 on the file of the respondent-police.



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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 on 05.03.2025 for the offences punishable under Sections 5(1), 5(n) r/w. 6 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.7 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that since the complainant and her husband are working away from home, their daughters are staying at the house of the complainant's sister-in-law (her husband's sister). During this period, the petitioner, who is the son of the sister-in-law, sexually assaulted the complainant's second daughter, aged about 13 years, on several occasions over a period of five months. Hence, the complaint.

4. Mr.K.Sivabalan, learned counsel appearing for the petitioner, submits that the



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petitioner has nothing to do with the alleged offence and that a false case has been foisted against him. He however submits that he is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 05.03.2025. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.M.Karunanithi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and the defacto complainant are close relatives and that the petitioner is an unmarried person. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant, the victim and other witnesses, thereby causing delay in the investigation proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

6. This Court has considered the submission made on either side. This Court has perused the records including the First Information Report and the statement recorded from the victims under Section 183 of BNSS, 2023.

7. In view of the allegation made against the petitioner in the First Information



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Report and in view of the statement recorded from the victim under Section 183 of BNSS, 2023, this Court is of the view that further custody of the petitioner is not necessary for the investigating agency in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioner, 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 Principal Special Judge for exclusive trial of Cases under the POCSO Act, 2012, Sivagangai;

(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 Principal Special Judge for exclusive trial of Cases under the POCSO Act, 2012, Sivagangai shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge for exclusive trial of Cases under the POCSO Act, 2012, Sivagangai;

(iv) The petitioner shall stay at Coimbatore after execution of suretyship, and shall appear and sign before the Inspector of Police, Race Course Road Police Station, Coimbatore daily at 09.00 a.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 evidence;



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(viii) The petitioner shall not enter into the house or school of the victim;

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

(x) The petitioner shall also not try to contact the victim through his men or agent or any other electronic gadgets;

(xi) The petitioner shall not enter into Ulagampatti Kurumbular Village, Sivagangai District without prior permission from the learned Principal Special Judge for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai; and

(xii) On breach of any of the aforementioned conditions, the learned Principal Special Judge for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-

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02/05/2025

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

TSG

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER THE POCSO ACT, 2012,
SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

COPY TO:

THE INSPECTOR OF POLICE
RACE COURSE ROAD POLICE STATION, COIMBATORE

+1 CC to M/s.K.SIVABALAN, Advocate (SR-5170[I] dated 30/04/2025)



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ORDER
IN
CRL OP(MD) No.8112 of 2025
Date :30/04/2025

SS/SAR- /02/05/2025/ 8P/7C

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