



CRL OP (MD) No.8196 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.8196 of 2025

Mathivanan

... Petitioner/2nd Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.
Crime No.3 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.3 of 2025 on the file of the respondent-police.



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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 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 25.01.2025 for the offences punishable under Sections 3 r/w. 4 and Section 5(g) r/w. 6 of Protection of Child From Sexual Offences Act, 2012, in Crime No.3 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, on 24.01.2025, when the victim girl was going out of the house to attend to nature's call during night hours, the petitioner herein and the other accused sexually assaulted the victim girl. Hence, the case.

4. Mr.S.Muniyandi, 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 A1 and the victim girl were in love with each other, which was not accepted by the family members of the victim girl.



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Therefore, the petitioner (A2) assisted A1 in performing the marriage after the girl attained the age of majority. He further submits that this is the second bail petition, and the earlier petition filed by the petitioner in Crl.O.P.(MD) No. 5735 of 2025 was withdrawn on 27.03.2025. He further submits that the petitioner has been in Judicial custody since 25.01.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation in this case has already been completed and the charge sheet has been filed before the concerned Court. Therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, thereby causing delay in the trial proceedings and may also cause threat to the victim girl, her family members and witnesses. Hence, he prays to dismiss this petition.

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

7. The petitioner was arrested on 25.01.2025 and has been in judicial custody



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since then. Considering the cumulative circumstances of the case and taking note of the fact that the investigation has been completed and the charge sheet has been filed before the concerned Court, 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 Twenty Thousand only) to the satisfaction of the learned Judge, Fast Track Court (Mahalir Neethi Mandram), Ramanathapuram;

(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, Fast Track Court (Mahalir Neethi Mandram), Ramanathapuram shall obtain a copy of any one of identity proofs to ensure their identity;



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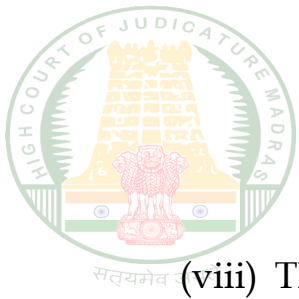
(iii) The petitioner shall furnish his residential address and mobile number to the learned Judge, Fast Track Court (Mahalir Neethi Mandram), Ramanathapuram;

(iv) The petitioner shall stay at Madurai after execution of suretyship and shall appear and sign before the Inspector of Police, All Women Police Station, Madurai, daily at 9.00 am and 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 evidence;



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

(ix) The petitioner shall not enter into the concerned Village viz., A.Pappanam, Kamuthi Taluk, without prior permission from the learned Judge, Fast Track Court (Mahalir Neethi Mandram), Ramanathapuram;

(x) The petitioner shall also not enter into the house or school of the victim girl and shall not try to contact the victim girl and her family members either directly or through any electronic mode or his men or agent; and

(xi) On breach of any of the aforementioned conditions, the learned Judge, Fast Track Court (Mahalir Neethi Mandram), Ramanathapuram, 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/-
30/04/2025

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

TRP

TO

1. THE JUDGE,
FAST TRACK COURT (MAHALIR NEETHI MANDRAM),
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER-IN-CHARGE,
DISTRICT PRISON, RAMANTHAPURAM.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KAMUTHI, RAMANATHAPURAM DISTRICT.
5. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI.



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

+1. CC to S.MUNIYANDI Advocate SR.No.5227 (I) DT.30/04/2025

ORDER
IN
CRL OP(MD) No.8196 of 2025
Date :30/04/2025

PR/02.05 .2025 8P/8C

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