



CRL OP(MD).No.8867 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.8867 of 2025

Siva,
S/o.Nadarajan,
Sathanvilai,
Ammanadivilai Post,
Kanyakumari-629 204.

..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Kanyakumari District,
(Crime No.11 of 2025)

.. Respondent/Complainant

For Petitioner : Mr.M.Dinesh Kumar
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.11 of 2025 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 07.03.2025 for the offences punishable under Sections 451, 376(3) and Section 506 (i) of Indian Penal code, 1860 and under Sections 5(l) and 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.11 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the distant relative of the victim girl. The petitioner and the victim girl have love affair and they meet frequently in the victim girl's residence. On 09.03.2024, the petitioner came to the victim girl's residence and he had committed aggravated penetrative sexual assault. Hence, the case.

3. The learned counsel for the petitioner would submit that the victim girl and the petitioner are relatives, they loved each other. The petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 07.03.2025 nearly 97 days. Hence, he seeks bail.



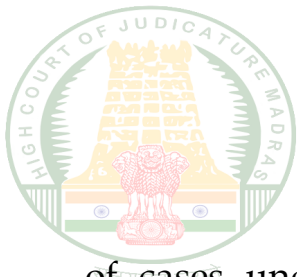
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4. The learned Government Advocate (Criminal Side) would submit that the petitioner had proposed the victim girl and he want to marry her. At the pretext of marriage, the petitioner had committed aggravated penetrative sexual assault to the victim girl. The age of the victim girl is only 15 years old. In this case, 164 Cr.P.C. Statement was recorded. In this case, investigation was completed and the charge sheet also filed and the same was taken on file in Spl.S.C.No.30 of 2025 on the file of the Special Court for Exclusive trial of cases under POCSO Act, Nagercoil, Kanyakumari District. However, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that on perusal of the records, it revealed that it is case of love affair, investigation was completed, final report also filed and the same was taken on file in Spl.S.C.No.30 of 2025 before the Special Court for Exclusive trial of cases under POCSO Act, Nagercoil, Kanyakumari District, the petitioner/accused remanded into judicial custody on 07.03.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive trial



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of cases under POCSO Act, Nagercoil, Kanyakumari District, and on further
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conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

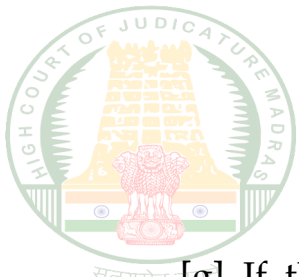
[b] The petitioner shall furnish his residential address and mobile number to the Special Court for Exclusive trial of cases under POCSO Act, Nagercoil, Kanyakumari District. If the petitioner changes his residential address, he shall report the same to the Special Court for Exclusive trial of cases under POCSO Act, Nagercoil, Kanyakumari District,

[c] the petitioner shall appear and sign before the Special Court for Exclusive trial of cases under POCSO Act Cases, Nagercoil, Kanyakumari District, on all working days at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-
11/06/2025

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/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, NAGERCOIL, KANYAKUMARI
DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL, KANYAKUMARI DISTRICT.

3. The Inspector of Police,
All Women Police Station,
Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.DINESH KUMAR, Advocate (SR-6163[I] dated 11/06/2025)



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ORDER
IN
CRL OP(MD) No.8867 of 2025
Date :11/06/2025

MK/11.06.2025 6P/6C

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