



CRL OP(MD). No.8880 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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1. Chelladurai,
S/o.Karuppaiya,
113/ A, Kallar Street,
Orathanadu Taluk,
Thanjavur District.

2. Pothiyappan,
S/o.Masilamani,
1/74, Kollaiyan Street,
Servaviduthi South,
Thanjavur District.

..Petitioners/ Accused

Vs

The State rep.by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(Crime No.88 of 2025)

.. Respondent/ Complainant

For Petitioner : M/s.N.Balasubramanian
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.88 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioners / Accused, who were arrested and remanded to judicial custody on 22.04.2025 for the offences punishable under Sections 115(2), 118(1), 296 (b), 351(3), 64(1) of BNS, 2023 and Section 4 of TNPWH Act in Crime No.88 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant's sister is suffering from Epilepsy ailment. On 30.04.2025, the defacto-complainant's sister i.e., the victim girl alone stayed at home, at that time the petitioners/accused threatened her and tied her hands, legs with rope and they raped her on several times. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners are ready and willing to abide and conditions that may be imposed by this Court. He would further submit that the petitioners are in custody from 22.04.2025 nearly 45 days. Hence, he seeks bail.



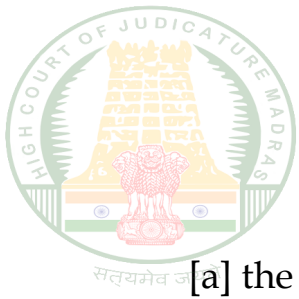
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4. The learned Government Advocate (Criminal Side) would submit that the petitioners illegally entered into the house of the victim girl and threatened her and tied her hand, legs the victim girl and raped her on several times. They have committed penetrative sexual assault against the victim girl. In this case, investigation is almost completed and 164 Cr.P.C. Statement was recorded. There is no previous case against the petitioners. However, he objected to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that investigation is almost completed, 164 Cr.P.C. Statement was recorded, there is no previous case against the petitioners and considering the fact that the petitioner/accused remanded into judicial custody on 22.04.2025, taking into consideration of the period of incarceration. This court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of Judicial Magistrate, Pattukottai District and on further conditions that :-



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[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 petitioners shall furnish their residential address and mobile numbers to the Judicial Magistrate, Pattukottai District. If the petitioners changes their residential address, they shall report the same to the Judicial Magistrate, Pattukottai District.

[c] the petitioners shall stay at Trichy and appear and sign before the Kottai Police Station, Trichy daily twice at 10.30a.m. and 05.30p.m. until further orders.

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

[e] the petitioners 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
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Section 269 BNS.

sd/-
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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
KOTTAI POLICE STATION, TRICHY.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

5. The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

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



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ORDER
IN
CRL OP(MD) No.8880 of 2025
Date :05/06/2025

MK/05.06.2025 6P/7C

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