



CRL OP(MD)No.9030 of 2025

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

Date : 22.05.2025

PRESENT

The HONOURABLE MR.JUSTICE P. VADAMALAI

CRL OP(MD)No.9030 of 2025

Ganeshan

... Petitioner/
Accused No.2

Vs

The State of Tamil Nadu represented by
The Inspector of Police,
All Women Police Station,
Tirunelveli District.
(Crime No.32 of 2025)

... Respondent/
Complainant

For Petitioner : Mr.G.Anto Prince
For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 BNSS, 2023
PRAYER :-

For Bail in Crime No.32 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 02.05.2025 for the offences punishable under Sections 9(m), 9(n) r/w. 10, 5(m) and 6 of POCSO Act, 2012 and Section 351(2) of BNS, 2023, in Crime No. 32 of



2025, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner is alleged to have molested the victim girl by committing penetrative sexual assault and threatening her. Hence, the case was registered as against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is a sick person and is incapable of engaging in sexual activity. Only based on the 164 statement of the victim, the petitioner is roped into the case. There is no mention of the petitioner's name either in the complaint or in the FIR. According to the victim girl, the alleged occurrence took place five years ago. The learned Counsel further submits that the petitioner was suffering from a cyst in the pancreas and underwent major surgery in the year 2021, after which he has been able to consume only liquid food. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner's name was not mention either in the complaint or in the FIR. Subsequently, based on the statement recorded under Section 164 Cr.P.C., the petitioner was arrayed as A-2.



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5. Considering the duration of custody and also taking note of the medical condition of the petitioner, and also taking into account that the petitioner's name has not been mentioned either in the complaint or in the FIR , this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and 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 the Exclusive trial of cases under POCSO Act, Tirunelveli District and on further conditions that,

a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b)the petitioner shall stay at Madurai and report before the Inspector of police, Thideer Nagar Police Station, Madurai, daily at 10.30 a.m., until further orders;

c)the petitioner shall not tamper with evidence or witness;

d)the petitioner shall not abscond during trial.

e)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



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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].

f) If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 BNS.

sd/-
22/05/2025

/ TRUE COPY /

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

jbr
TO

1. The Special Court for the Exclusive trial of cases under POCSO Act, Tirunelveli District.
2. The Inspector of Police, All Women Police Station, Tirunelveli District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

COPY TO

THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-5720[I] dated 22/05/2025)

ORDER IN
CRL OP(MD) No.9030 of 2025
Date :22/05/2025

PP/23.05.2025 4P/6C

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