



CRL OP(MD).No.8965 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.8965 of 2025

Muthukumar
S/o.Kochadai

...Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Madurai Town Police Station,
Madurai City,
(Crime No.09 of 2025)

...Respondent/ Complainant

For Petitioner : Mr.B.Mahendrarajan
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.09 of 2025 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 12.03.2025 for the offences punishable under Section 87 of BNS Act, 2023, U/s.5(g) r/w Section 6, 17 r/w Section 7 and 8 of Protection of Children from sexual offence Act, 2012, in Crime No.09 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons had committed penetrative sexual assault on the victim girl, who is aged about 14 years. On the next day, the victim girl's mother lodged a complaint against the accused persons. Hence, the case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for the past 115 days and the co-accused were already released on bail by the Juvenile Justice Board. Hence, he seeks bail.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused persons forcibly took the victim girl and had committed penetrative sexual assault on her. He would further submit that the charge sheet has been filed through E-filing and the main number has not yet been filed. He would further submit that the co-accused were released on bail by the Juvenile Justice Board. However, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering the age of the petitioner and that the co-accused/A2 to A5 were granted bail by the Juvenile Justice Board and that the investigation has been completed and the charge sheet has also been filed through E-filing, and 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 Principal Special Court for Exclusive Trial of cases under POCSO Act, Madurai, and on further 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.



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[b] The petitioner shall furnish his residential address and contact number to the Principal Special Court for Exclusive Trail of cases under POCSO Act, Madurai. If the petitioner changes his residential address, he shall report the same to the Principal Special Court for Exclusive Trail of cases under POCSO Act, Madurai;

[c] the petitioner shall appear and sign before the respondent police daily twice at 10.00 a.m. and 5.00 p.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/-
07/07/2025

/ TRUE COPY /

08/07/2025

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

VSD

TO

1 THE PRINCIPAL SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI TOWN POLICE STATION,
MADURAI CITY.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

ORDER
IN

CRL OP(MD) No.8965 of 2025

Date :07/07/2025

SS/SAR- /08/07/2025/ 5P/5C

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