



CRL OP(MD)No.8945 of 2025

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

Date : 21.05.2025

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD)No.8945 of 2025

Thavaraj

... Petitioner

Vs

The State of Tamil Nadu rep. By its,
the Inspector of Police,
All Women Police Station,
Nilakottai,
In Crime No.6 of 2025,
Dindigul District.

... Respondent

For Petitioner : Mr.C.Susikumar

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 BNSS, 2023

PRAYER :-

For Bail in Crime No.6 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 19.04.2025, for the offences punishable under Sections 9, 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(l) r/w. 6, 17 of POCSO Act, 2012, in Crime No.6 of 2025, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant who is the Extension Office, Social Welfare Department, lodged a complaint alleging that the accused had married and committed aggravated penetrative sexual assault against the victim girl repeatedly.

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 and the victim girl married on 21.04.2023 and however, the FIR was registered only on 15.04.2025. The petitioner is in custody for the past 32 days. Therefore, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the investigation is still pending. He fairly submits that the co-accused were released on bail.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused were already released on bail and the investigation might



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have been completed, this Court is inclined to grant bail to the petitioner on certain conditions.

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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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul 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 report before the respondent Police 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 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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f) If the accused thereafter absconds, a fresh FIR can be registered under
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Section 269 of BNS 2023.

sd/-
21/05/2025

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/05/2025

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

MRN

TO

1. THE JUDGE,
SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.
2. THE OFFICER IN CHARGE, DISTRICT JAIL,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.8945 of 2025
Date :21/05/2025

PR/23.05 .2025 5P/5C

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