



CRL OP(MD).No.9055 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.05.2025

PRESENT

THE HONOURABLE MS. JUSTICE R.POORNIMA

CRL OP(MD).No.9055 of 2025

Vikash

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
Crime No.26 of 2025.

... Respondent/Complainant

For Petitioner : Mr.S.Krishna Kumar

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 26 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/A2, who was arrested and remanded to judicial custody on 30.04.2025 for the offences under Sections 87 and 96 of BNS, 2023 and Sections 5(1) and 6 of POCSO Act, 2012, in Crime No.26 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant has a daughter aged about 17 years old. On 19.04.2025, victim girl was missing and initially FIR came to be registered as 'girl missing'. On enquiry, it was found that A1 with the help of A2 kidnaped the victim girl and committed penetrative sexual assault on her. Hence, the case.

3. The learned Counsel appearing for the petitioner submitted that the petitioner is innocent and he is not involved in any offences and he was wrongly implicated in this case. He further submitted that the only overt act against the petitioner is that he helped A1 to drop the victim girl and A1 in the Bus Stop and except the above he is not involved in any offence. He also submitted that the petitioner is in incarceration from 30.04.2025 and prayed for grant of bail to him.

4. The learned Additional Public Prosecutor appearing for the State submitted that the statement of the victim girl has already been recorded and the petitioner also undertook to co-operate with further investigation.



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5. Taking into consideration of the role of the petitioner in the alleged offence and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Boothapandi, and on further conditions that:-

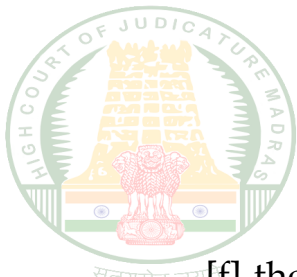
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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



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girl.

[f] the petitioner shall not in any manner interfere with or disturb the victim

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
28/05/2025

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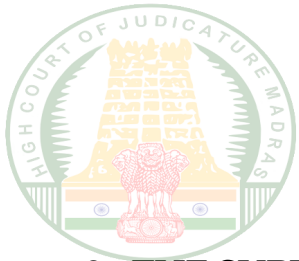
/05/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

TO

1 THE JUDICIAL MAGISTRATE,
BOOTHAPANDI.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.



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3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4. The Sub Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.

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

ORDER
IN
CRL OP(MD) No.9055 of 2025
Date :28/05/2025

MK/28.05.2025 5P/6C

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