



CRL OP(MD).No.9461 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9461 of 2025

S.Ajithamalajeevan,
S/o.Saveriyar

.. Petitioner/ A1

Vs

The State through
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(Crime No.25 of 2024)

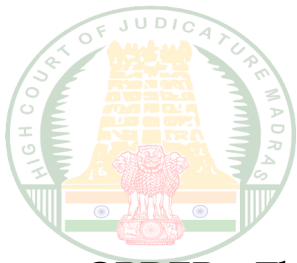
.. Respondent/ Complainant

For Petitioner : Mr.R.Aravindraj,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.25 of 2024 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 22.02.2025 for the offences punishable under Sections 363, 376 (3) of Indian Penal Code and Section 5(1) r/w 6 of POCSO Act, in Crime No.25 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the daughter of the defacto complainant was found missing from 24.01.2024 and initially the case was registered by the respondent-Police under Girl Missing subsequently, after securing the victim girl aged about 15 years along with the petitioner herein, the case was altered to Section 363 and 376 (3) of Indian Penal Code, 1860, and Section 5(1) r/w 6 of POCSO Act. After investigation, the respondent-Police filed a final report and the same was taken on file in Spl.S.C No.35 of 2024, by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. On the date of trial on 11.12.2024, the petitioner failed to appear before the Court. Hence, a Non Bailable Warrant was issued against the petitioner. Based on the NBW, the petitioner was arrested on 22.02.2025. Hence the present case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is no way connected with the case, a false case has been lodged as against the petitioner. He would further submit that based on the non bailable warrant, the petitioner was arrested on 22.02.2025, the case is posted for trial and produced the deposition of P.W.2. Subsequently F.I.R registered as against the petitioner for the reasons that he eloped with the victim and he also produced the statement of the victim girl. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 22.02.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that due to love affair, the accused person had given false promise to marry the victim girl and sexually assaulted for more than 15 times. He further submitted that the petitioner was not appeared before the trial court due to which, the trial Court has issued a non bailable warrant against the petitioner and the same was executed on 22.02.2025. He further submitted that the investigation has been completed and the charge sheet has also been filed in Spl.S.C.No.35 of 2024 before the POCSO Court, Dindigul. However, he objected to grant bail to the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the charge sheet has also been filed and also considering the period of incarceration suffered by the petitioner, 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 learned Special Court for Exclusive Trail 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The petitioner shall furnish his residential address and contact number to the learned Special Court for Exclusive Trail of Cases under POCSO Act, Dindigul.



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If the petitioner changes his residential address, he shall report the same to the
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learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul;

[c] the petitioner shall appear and sign before the POCSO Court, Dindigul on all working days at 10.30 a.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 of BNS.

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sd/-
09/07/2025

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10/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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



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+1 CC to M/s.R.ARAVIND RAJ, Advocate (SR-7361[I] dated 10/07/2025)

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ORDER

IN

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Date :09/07/2025

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