



CRL OP(MD).No.9662 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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Joseph,
S/o.Ponniah @ Ponnaiyan,
Ampalamthiruthi Colony,
Erachakulam,
Kanniyakumari District.

..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
AWPS Nagercoil Police Station,
Kaniyakumari District.
(Crime No.7 of 2019)

.. Respondent/Complainant

For Petitioner : Mr.S.Saravana Kumar
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.7 of 2019 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 20.03.2019 for the offences punishable under Sections 11(1) and 12 of POCSO Act, 2012 in Crime No.7 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is the neighbourhood of the petitioner. On the date of occurrence, the petitioner brought the victim girl to his home and showed his private part to the victim girl. The victim girl revealed the same to her mother and she lodged a complaint against the petitioner. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner already released on bail and subsequently due to absence on hearing a Non-Bailable Warrant was issued against him on 05.11.2024 and on 14.11.2024, the petitioner was arrested by the respondent police. The absence of the petitioner on



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hearing is neither willful nor wanton. The petitioner is aged about 65 years. The petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. Further, the petitioner undertakes that in future, he will never abscond and he will regularly appear before the trial Court without absence. He would further submit that the petitioner is in custody from 14.11.2024 nearly 210 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that already the petitioner was enlarged on bail by the trial court, but on the date of hearing he failed to appear before the trial Court. Hence, the trial Court issued a Non-Bailable Warrant against him. The warrant was executed on 14.11.2024, on that day he was arrested and remanded to judicial custody. The case is posted for the examination of L.W.6 and 7. This petitioner has not cooperated for investigation and court proceedings. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, the petitioner undertakes to appear before the trial court regularly without any absence, the petitioner/accused remanded into judicial custody on 14.11.2024, taking into consideration of the period of



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incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

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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 Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanyakumari District 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 mobile number to the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanyakumari District. If the petitioner changes his residential address, he shall report the same to the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanyakumari District;

[c] the petitioner shall appear and sign before the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanyakumari District on all working



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days at 10.30 a.m. until further orders.

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[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].

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

sd/-
11/06/2025

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11/06/2025

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

gvn
TO

1. The Special Judge
for Exclusive Trial of Cases under POCSO Act,
Nagercoil, Kanyakumari District

2. The Officer Incharge,



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Sub-Jail,
Nagercoil,
Kanniyakumari District.

3. The Inspector of Police,
AWPS Nagercoil Police Station,
Kaniyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-6155[I] dated 11/06/2025)

ORDER

IN

CRL OP(MD) No.9662 of 2025

Date :11/06/2025

HPS/11.06.2025 /6P/6C

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