

CRL OP(MD). No.9818 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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Mariappan,  
S/o.Ramasamy

...Petitioner / Sole Accused

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
AWPS-Kovilpatti Police Station,  
Thoothukkudi District.  
(Crime No.14 of 2025)

... Respondent/ Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in connection with the Crime No.14 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Prabu,  
Advocate.

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



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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 07.05.2025 for the offences punishable under Section 7 read with Section 8 of POCSO Act, in Crime No.14 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.05.2025 at about 10:00 a.m., the defacto complainant, who is the victim girl and a student, lodged a complaint before the respondent police. It is stated that the victim girl, who was on vacation, was working temporarily at the PCR Grocery Shop owned by the petitioner/sole accused. The petitioner had taken the victim girl and her sister to a school teacher for training in Spoken English. Thereafter, on 06.05.2025 at about 04:00 p.m., the petitioner/sole accused asked the victim girl to come to his house to discuss the Spoken English class. Accordingly, at about 04:45 p.m., when the victim girl went to the petitioner's house, it is alleged that he sexually assaulted her. Based on this incident, the defacto complainant lodged a complaint before the respondent police against the petitioner/sole accused. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that there are no previous cases against the petitioner. Hence,



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he seeks bail.

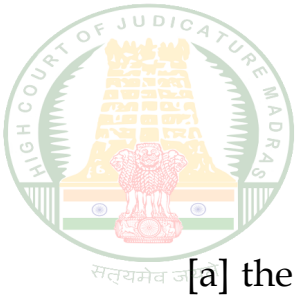
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4. The learned Government Advocate (Criminal Side) would submit that the accused person sexually assaulted the victim girl, who is aged about 17 years. He would further submit that the petitioner had already filed a bail petition in Cr.M.P. No. 215 of 2025 before the learned Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi, and the same was dismissed on 29.05.2025. He would further submit that investigation in this case is still pending and therefore, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also taking note that the petitioner has permanent residence and hence, there is no possibility of absconding, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, and on further conditions that:-



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

[c] the petitioner shall appear and sign before the respondent police daily at 10.00 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].

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



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8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

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20/06/2025  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PAL  
TO  
1 THE JUDGE,  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,  
THOOTHUKUDI.  
  
2 THE OFFICER INCHARGE,  
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.  
  
3 THE INSPECTOR OF POLICE,  
AWPS-KOVILPATTI POLICE STATION,  
THOOTHUKUDI DISTRICT.  
  
4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.9818 of 2025  
Date :20/06/2025

SA/SAR. /20.06.2025/5P/5C

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