



CRL OP(MD).No.10088 of 2025

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

Date : 12.08.2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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Nitheshkumar,
S/o.Sundaralingam

.. Petitioner/Sole Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.66 of 2020)

.. Respondent/Complainant

For Petitioner : Mr.S.Muthu Malai Raja,
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.66 of 2020 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

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The petitioner/ Accused, who was arrested and remanded to judicial custody on 12.02.2025 for the offences initially punishable under Section 366 of IPC and subsequently, altered to Sections 366 and 449 of IPC r/w. Sections 5(l), 6, 11(4) and 12 of POCSO Act in Crime No.66 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant is the mother of the victim girl. Due to love affair, the accused took the victim girl to various places. Subsequently, they went to Chennai. At that time, one of the relatives of the accused instructed him to leave the victim girl at her house, as the parents of the victim girl had lodged a complaint before the respondent police. Hence, the present case.

3. The learned counsel for the petitioner submitted that the charge sheet in this case has been filed as Spl.S.C.No.50 of 2021, pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act / Fast Track Mahila Court, Nagercoil, Kanyakumari District. He submitted that the petitioner had already obtained bail in this case. As the petitioner could not appear before the trial Court on 21.11.2024 due to his ill health, the trial Court issued a Non-Bailable Warrant against the petitioner,



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which was executed on 12.02.2025. He further submitted that the petitioner is an innocent person and is ready and willing to abide by any conditions that may be imposed by this Court. He also submitted that the petitioner has been in judicial custody since 12.02.2025. Hence, he seeks bail for the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is the sole accused in this case. It is a case of love affair and elopement. He submitted that there is no allegation in the statement of the victim girl recorded under Section 164 of the Cr.P.C./Section 183 of the BNSS. He further submitted that there are no previous cases registered against the petitioner. However, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, and taking note of the fact that it is a case of love affair and elopement, and that the victim girl did not make any statement regarding the occurrence in her deposition recorded under Section 164 of the Cr.P.C./Section 183 of the BNSS, and that the petitioner was remanded to judicial custody on 12.02.2025, and that there are no previous cases registered against the petitioner, and also considering the period of incarceration already undergone by the petitioner, this court is inclined to grant bail



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to the petitioner, subject to the following conditions:

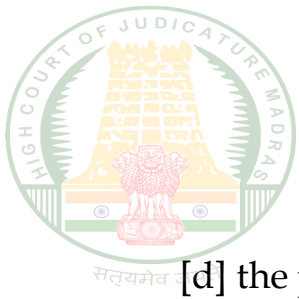
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6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act/Fast Track Mahila Court, 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 contact number to the learned Special Judge for Exclusive Trial of Cases under POCSO Act/Fast Track Mahila Court, Nagercoil, Kanyakumari District. If the petitioner changes his residential address, he shall report the same to the learned Special Judge for Exclusive Trial of Cases under POCSO Act/Fast Track Mahila Court, Nagercoil, Kanyakumari District;

[c] the petitioner shall appear and sign before the respondent police daily at 10.00 a.m., except on hearing dates, until further orders. Further, the petitioner shall appear before the concerned Trial Court on hearing dates;



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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]; and;

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

sd/-
12/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT/FAST TRACK MAHILA COURT,
NAGERCOIL,
KANYAKUMARI DISTRICT.



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2. THE OFFICER INCHARGE,
SUB-JAIL,
NAGERCOIL,
KANYAKUMARI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10088 of 2025
Date :12/08/2025

NM/14.08.2025/ 6P/5C

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