



CRL OP(MD).No.10343 of 2025

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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Kavitha, (Aged 24 years)
W/o.Kanagaraj

..Petitioner/ Accused No.1

Vs

The State of Tamilnadu
Through the Inspector of Police,
All Women Police Station,
Thoothukudi.
(Crime No.39 of 2024)

.. Respondent/Complainant

For Petitioner : Mr.KA.Raamakrishnan

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Spl.S.C.No.97 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

ORDER : This Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded into judicial custody on 21.01.2025 for the offences punishable under Sections 5(1), 5(n) r/w 6,7,8



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of POCSO Act 2012 and under Section 366 of IPC in Spl.S.C.No.97 of 2024 on the file
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of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi,
seeks bail.

2. The learned counsel for the petitioner submitted that When the case was posted for hearing on 20.12.2024 and the said date, the petitioner did not appear before the trial Court. Accordingly, the lower Court issued Nonailable Warrant against the petitioner for his non appearance and she was secured on 21.01.2025. He further submitted that due to some illness, she could not appeared before the trial Court. He further submitted that the petitioner is ready and willing to abide any conditions that may be imposed by this Court. He further submitted that the petitioner undertakes that she will not abscond and she will regularly appear before the Trial Court on hearing dates without fail. He further submitted that the petitioner is in judicial custody from 21.01.2025. Hence, he seeks bail.

3. The learned Government Advocate (Criminal Side) submitted that the petitioner failed to appear before the trial Court, due to which the trial Court had issued Nonailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 21.01.2025. He further submitted that 11 witnesses were examined. However, he strongly objected to grant bail to the petitioner.



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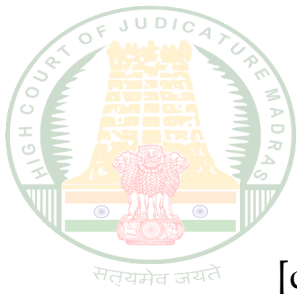
4. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that co-accused had already been released on bail and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

5. 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 2012, Thoothukudi 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 her residential address and contact number to the Special Court for Exclusive Trial of Cases under POCSO Act 2012, Thoothukudi. If the petitioner changes her residential address, she shall report the same to the Special Court for Exclusive Trial of Cases under POCSO Act 2012, Thoothukudi ;

[c] the petitioner shall appear before the Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Thoothukudi on all working days at 10.30 a.m. until further orders.



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trial.

[d] the petitioner shall not abscond either during investigation or

[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/-
20/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm

TO

1. The Judge, Special Court for Exclusive
Trial of Cases under POCSO Act, Thoothukudi.



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2. The Superintendent, Central Prison,
For Women in Kokkirakulam, Tirunelveli District.

3. The Inspector of Police,
All Women Police Station,
Thoothukudi.

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

ORDER
IN

CRL OP(MD) No.10343 of 2025
Date :20/06/2025

MK/20.06.2025 5P/5C

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