



CRL OP(MD).No.10380 of 2025

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

Date : 30/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10380 of 2025

Badal Sarki,
S/o.Dhanraj Sarki.

..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.9 of 2024)

.. Respondent/ Complainant

For Petitioner : Mr.R.Ponkarthikeyan

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.9 of 2024 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 21.07.2024 for the offences punishable under Sections 8 of POCSO Act, 2012 @ 5(l) r/w.6,7,8 of POCSO Act and Section 506(ii) of IPC in Crime No.9 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to love affair, the petitioner herein has eloped with the victim girl, who is aged about 14 years and he had committed penetrative sexual assault on her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl loved each other and that the petitioner herein has eloped with the victim girl, without knowing her age. It is the case of love affair and now the investigation has been completed and the charge sheet has been filed in Spl.S.C.No.177 of 2024. The petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and



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will^ging to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 21.07.2024 more than 11 months. Hence, he seeks bail.

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4. The learned Government Advocate (Criminal Side) would submit that this petitioner is aged about 21 years and the victim girl is aged about 14 years. The victim girl opened Instagram account and got acquaintance with the petitioner. They developed love affair and at the instigation of this petitioner, the victim girl went to Bangalore and stayed with the petitioner in a hotel room. The accused provided cake and juice to her. After consuming the same, the victim became unconscious, by using that situation, this petitioner had committed penetrative sexual assault on her. In this case, 164 Cr.P.C. Statement was recorded from the victim girl. In this case, investigation has been completed, charge sheet has also been filed and the same was taken on file in Spl.S.C.No.177 of 2024. Now the trial was also commenced, LW.1 was examined. However, 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 it is the case of love affair, already 164 Cr.P.C. Statement



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was recorded from the victim girl, this case is numbered as Spl.S.C.No.177 of 2024
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and posted for examination of L.Ws', already the trial was commenced, there is no chance for tampering evidence, the petitioner/accused remanded into judicial custody on 21.07.2024, taking into consideration of the period of incarceration, 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 local sureties, each for a like sum to the satisfaction of learned Sessions Judge (FAC), Special Court for Exclusive Trial of cases under POCSO Act, 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 his residential address and contact number to the learned Sessions Judge (FAC), Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi. If the petitioner changes his residential address, he shall



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report the same to the learned Sessions Judge (FAC), Special Court for Exclusive
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Trial of cases under POCSO Act, Thoothukudi;

[c] the petitioner shall appear and sign before the learned Sessions Judge (FAC), Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi 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].

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



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Section 269 BNS.

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

gvn
TO

1. The Sessions Judge (FAC),
Special Court for Exclusive Trial
of cases under POCSO Act, Thoothukudi.
2. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.
3. The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.10380 of 2025
Date :30/06/2025

HPS/07.07.2025 /6P/5C

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