



Crl.O.P(MD).No.10339 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 27.06.2025

Pronounced on : 07.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.10339 of 2025

Nagairulvel
(Represented by his father/natural guardian
Arumugam)

... Petitioner/ Accused No.11

Vs

The State of Tamilnadu rep. by
The Inspector of Police,
Tallakulam Police Station (L & O),
Madurai District.
(Crime No.767 of 2024)

... Respondent/Complainant

For Petitioner : Mrs.A.S.Rajeswari,
Advocate.

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

PETITION FOR BAIL Under Section 483 B.N.S.S.



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PRAYER :-

For Bail in J.C.No.9 of 2024 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Madurai, in connection with Crime No.767 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.11 is facing a case for the offences punishable under Sections 61(2), 127(2), 253, 351(3), 103(1) and 3(5) BNS, 2023 and Section 83(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 in J.C.No.9 of 2024 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Madurai, in Crime No.767 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.07.2024, at about 06.30 a.m., while one Balasubramanian, his wife and his brother were walking near Vadamalayan Hospital at Vallabai Road, the accused persons inflicted fatal injuries upon the said Balasubramanian by stabbing him with a sword and as a result of which, he succumbed to the injuries. Hence, the case.

3. The learned counsel appearing for the petitioner/juvenile in conflict with law would submit that there are totally 11 accused and that after completion of



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investigation, the respondent police has filed a charge sheet as against the accused 1 to 10 and the same was taken on file in S.C.No.675 of 2024 on the file of the IV Additional District Court Madurai and since the petitioner was shown as a juvenile, separate charge sheet has been filed as against him before the Juvenile Justice Board, Madurai and the case was taken on file in J.C.No.9 of 2024 and the same was transferred to the Principal Special Court for Exclusive Trial of cases under POCSO Act, Madurai and is pending.

4. The learned counsel appearing for the petitioner would further submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is no way connected with the case, a false case has been lodged as against the petitioner. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 18.07.2024 nearly 11 months. Hence, he seeks bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner has played a crucial role in the crime and the case is pending for framing of charges. He would further submit that the



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accused 1, 2, 5 and 6 were detained under the Goondas Act. This petitioner is having two previous cases but not similar in nature. Hence, he objected to grant bail to the petitioner.

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6. Heard and perused available records. It is seen from the records that no doubt, the petitioner's earlier application for bail in Crl.O.P(MD)No.2347 of 2025 was dismissed by this Court on 06.02.2025 and the subsequent application in Crl.O.P (MD)No.4219 of 2025 was dismissed as withdrawn. This is the third petition for bail, filed by the petitioner through his father. The learned counsel for the petitioner's contention is that the petitioner's name is not found in the FIR and subsequently, he was added with motive, as he is neighbour of Accused No.1. It is his further argument that the deceased was having criminal cases and the deceased was murdered by his some other enemies. However, the investigating agency has laid final report against all the accused in this case. A separate charge sheet was filed against the petitioner/juvenile in conflict with law, and the same has been taken on cognizance as J.C.No.9 of 2024 by the Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Madurai, and the same is pending. The trial Court will decide the case and the petitioner's side contentions after fullfledged trial.



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7. It is well settled principle that bail is the rule and jail is the exception has been recognized by the Hon'ble Supreme Court in its repetitive pronouncements and also issued guidelines while deciding bail applications reported in 2022 (3) MWN (Cr.) 145 (SC) Satender Kumar Antil vs. Central Bureau of Investigation & Anr.). The petitioner is a juvenile in conflict with law and he is in custody from 18.07.2024, for nearly about one year.

The Juvenile Justice (Care and Protection of Children) Act, 2015, emphasizes the principle of bail as a right for children in conflict with the law, regardless of the nature of the offence. Section 12 (1) of the Juvenile Justice Act, entitles the juvenile in conflict with law to be released on bail with or without surety, however, it can be denied only on reasonable grounds to believe that the release will bring the persons into association with any known criminal or expose the person to moral, physical, or psychological danger or release would defeat the ends.

8. No previous case and other proceedings pending against the petitioner. No incriminating article has been recovered from the possession of the petitioner. The respondent has not filed any material to show that the petitioner's release will bring the person into association with any known criminal or expose the person to moral, physical, or psychological danger, or release would defeat the ends. The trial of the case against the petitioner/juvenile in conflict with law as well as against the other



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10th accused, would not be completed by the trial Courts near future. Therefore, taking into note of incarceration of the petitioner and considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner/juvenile in conflict with law, subject to the conditions.

9. Accordingly, the petitioner/juvenile in conflict with law is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) by the natural guardian/father of the petitioner with two sureties, each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, and on further conditions that:-

(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai concerned may obtain a copy of their Aadhaar card or Bank Pass Book to ensure their identity; and

(b) The natural guardian/father of the petitioner in conflict with law and the petitioner and sureties shall furnish their residential address and mobile number to the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai. If they change their residential addresses, they shall report the same to the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act,



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(c) The natural guardian/father of petitioner in conflict with law should furnish an undertaking that upon release on bail the juvenile in conflict with law will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical or psychological danger and ensure that the juvenile will not repeat the offence;

(d)The natural guardian/father should also furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits;

(e)The petitioner/juvenile in conflict with law and his natural guardian/father shall appear and sign before the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai daily at 10.30 a.m. until further orders;

(f) The petitioner in conflict with law and his natural guardian shall not tamper with evidence or witnesses either during trial;

(g) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and and if there is any violation of condition, the Investigation Officer is within his discretion to approach



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the Court concerned for cancellation of bail as per the ruling of the Hon'ble Supreme
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Court reported in P.K.Shaji /Vs/ State of Kerala, (2005) AIR S.C.W.5560 and

(h) If the petitioner/juvenile in conflict with law thereafter absconds, a fresh
FIR can be registered under section 269 of BNS, 2023.

sd/-
07/07/2025

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08/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

1. THE PRINCIPAL SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2. THE OFFICER INCHARGE,
THE JUSTICE JUVENILE BOARD, MADURAI.
3. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.



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

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-7175[I] dated 07/07/2025)

ORDER
IN
CRL OP(MD) No.10339 of 2025
Date :07/07/2025

PR/08.07 .2025 9P/6C

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