



CRL OP(MD).No.10449 of 2025

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

Date : 24/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Kottaichamy,
S/o.Mariappan, ..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
AWPS, Tenkasi,
Tenkasi District.
(Crime No.1 of 2024) .. Respondent/ Complainant

For Petitioner : Mr.K.Suyambulingabharathi
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.1 of 2024 on the file of the Respondent Police.



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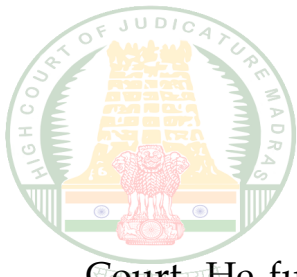
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ORDER: This Court made the following order :-

The petitioner / Accused , who was arrested and remanded into judicial custody on 11.06.2025 for the offences punishable under Sections 493, 366 of IPC and Section 6, 5(I), 5(j)(ii) of POCSO Act in Crime No.1 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 17 years, due to love affair the victim girl eloped with the petitioner, on the pretext of marriage, this petitioner had forcible sexual relationship with the victim girl. Hence, the case.

3. The learned counsel for the petitioner would submit that after completion of investigation, the respondent police has filed a charge sheet and the same was taken on file as Spl.S.C.No.172 of 2025 on the file of the Special Court for POCSO Act Case, Tenkasi. On 10.06.2025, the petitioner failed to appear before the trial Court. Therefore, on the same day itself, a Non Bailable Warrant was issued against the petitioner. On the very next day i.e, on 11.06.2025, the warrant was executed and the petitioner was arrested and remanded into judicial custody. Due to the ill-health of the petitioner, he is not able to appear before the trial Court on 10.06.2025. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton. The petitioner is ready and willing to abide any conditions that may be imposed by this



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Court. He further submits that the petitioner undertakes that he will not abscond and he will regularly appear before the Trial Court on hearing dates without fail. He would further submit that the petitioner is in custody from 11.06.2025 nearly 13 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner failed to appear before the trial Court, due to which the trial Court has issued a Non-Bailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 11.06.2025. In this case, charge sheet filed and the same was numbered as Spl.S.C.No.172 of 2025. At the time of occurrence, the age of victim girl is only 17 years. Due to the relationship with the petitioner, the victim girl pregnant and gave birth of one female child. It is the case of love affair. There is no previous case against the petitioner. However, he strongly 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 in this case, trial was commenced, considering the undertaking given by the learned Counsel for the petitioner, there is no previous case against the petitioner, the petitioner/accused remanded into judicial custody on 11.06.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail 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 Special Court for POCSO Act Cases, Tenkasi 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 Special Court for POCSO Act Cases, Tenkasi. If the petitioner changes his residential address, he shall report the same to the Special Court for POCSO Act Cases, Tenkasi;

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m., except on hearing dates, until further orders; and on hearing dates the petitioner shall appear before the trial Court.

[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



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law as if the conditions have been imposed and the petitioner released on bail by the
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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/-
24/06/2025

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

TO

1 THE SPECIAL COURT
FOR POCSO ACT CASES,
TENKASI

2 CENTRAL PRISON,
PALAYAMKOTTAI.
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
AWPS, TENKASI, TENKASI DISTRICT.

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



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+1. CC to K.SUYAMBULINGABHARATHI Advocate SR.No.6707 (I)
DT.24/06/2025

ORDER
IN
CRL OP(MD) No.10449 of 2025
Date :24/06/2025

NM/24.06.2025 6P/6C

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