



CRL OP(MD).No.11060 of 2025

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

Reserved on : 31/07/2025

Pronounced on : 19/08/2025

PRESENT
THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.11060 of 2025

Abisha,
D/o.Kumar,

..Petitioner/ Defacto-complainant

Vs

1. Neelakandan
S/o.Arunachalam

.. 1st respondent/ Accused

2. The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi.
(Crime No.15 of 2025)

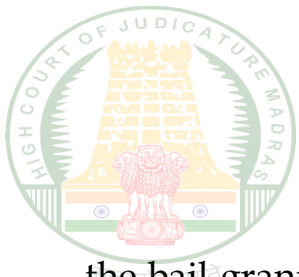
..2nd Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu
Advocate.

For Respondent-1 : Mr.G.Anto Prince
Advocate

For Respondent-2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PRAYER :- Criminal Original Petition filed under Section 483(2) of BNSS to cancel



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the bail granted by the learned Principal Sessions Judge, Tenkasi in Crl.MP.No.1529

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of 2025 dated 10.06.2025.

ORDER: This Court made the following order :-

The case of the prosecution is that on 09.02.2023 when this petitioner was at home, the first respondent/accused came to her home by evening and he enquired about her mother and voluntarily entered into the kitchen, he made bad touches on her body and he tried to molest and smooched her. She tried to escape from the place but all of a sudden he picked his revolver and threatened her not to call anyone and don't reveal anything to others, he threatened with dire consequences.

2. The learned Counsel for the petitioner/defacto-complainant would submit that this petitioner live with her parents at Pavoorchatram, Tenkasi District, she is studying first year BDS at RVS Bala Medical College, Sulur, Coimbatore. In the year 2022, when she was studying at Hilton Matriculation Higher Secondary School, Courtallam (she was 17 years old), she had gone with her mother to her close friend Azhagu Darshini's house to meet her father Mariyappan @ Kannan. At Azhagu Darshini's house, this petitioner met Darshini's father's friend, Neelakandan 1st respondent/accused), for the first time and she got acquainted with the accused. He spoke to her in a good manner and she told him that she was going to study MBBS



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and she wish to become a doctor after appearing for the NEET exam. The first
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respondent/accused spoke with her affectionately with great enthusiasm, saying
that he would make her study and get MBBS seat for her.

3. The learned counsel for the petitioner further submitted that on 09.02.2023, the accused Neelakandan came to the petitioner's house and asked about her mother, this petitioner told him that her brother was unwell and Mother had taken her brother to the hospital. Suddenly, the accused Neelakandan opened the gate and came in and said that, "Study well, don't worry about the money, I will take care of everything," and patted her on the back, then he asked water, she went inside the kitchen to boil water. Suddenly, the accused Neelakandan came from behind and hugged her, and then tried to kiss her, she was very scared and suddenly he would take off his shirt and show the gun in his waist and threatened her.

4. The learned counsel for the petitioner further submitted that On 19.01.2024, this petitioner along with her mother presented a petition before the Special Court for POCSO Act cases, Tirunelveli, the said Court forwarded the petition to Superintendent of Police, but there also not taken any steps to resolve the grievance of the petitioner. Thereafter, this petitioner constrained to file a direction petition



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before this Court in CrI.O.P.(MD).No.7317 of 2025 and the same was allowed by this Court on 24.04.2025. After getting order of direction, the second respondent has not come forward to register case against the first respondent under POCSO Act. Thereafter, this petitioner sent a complaint to the Human Rights Commission, the said complaint was forwarded to Governor of Tamil Nadu. Then only, the second respondent registered a case in Crime No.15 of 2025 for the offences under Sections 7 and 8 of POCSO Act and 506(2) of IPC. After registration of FIR, the second respondent has not come forward to arrest the first respondent. On 06.06.2025 only the 1st respondent/accused was arrested and remanded to judicial custody.

5. He further submitted that the first respondent/accused moved a bail application in CrI.MP.No.1529 of 2025 before the Principal Sessions Judge, Tenkasi. On 10.06.2025, the learned Principal Sessions Judge, Tenkasi had granted bail to the first respondent/accused. It is pertinent to mention that the first respondent/accused was in judicial custody only for five days, the trial Court without considering the period of incarceration, mechanically granted bail to the first respondent/accused. The first respondent/accused has also filed an modification petition in CrI.MP.No.1690/2025 before the trial Court to modify the condition imposed on the first respondent/accused in CrI.MP.No.1529/2025 dated



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10.06.2025. On 21.06.2025, the trial Court had also allowed the said modification petition and modified the condition imposed on the first respondent/accused and directed him to report and sign before the Learned Judicial Magistrate, Alangulam daily at 10.30a.m. until further orders. Further, the first respondent has filed a relaxation petition before the trial Court and the same was also allowed by the trial court by way of order dated 23.07.2025 in Crl.M.P.No.1908 of 2025 and the first respondent is directed to report before the respondent police on first day of every month until further orders. The first respondent/accused is a influenced person in that locality, if the first respondent/accused on bail, the life of this petitioner and her mother is in danger, the fist respondent has continuously threatening the petitioner and her family members to withdraw the case and he trying to escape from the clutches of law. Hence, he prays to cancel the bail granted to the first respondent by the learned Principal Sessions Judge, Tenkasi by way of order dated 10.06.2025 in Crl.MP.No.1529/2025.

6. The learned Counsel for the first respondent would submit that due to civil dispute, this petitioner has been falsely implicated in this case and the petitioner is a old and sick man and originally dispute arose on 21.11.2023, when the first respondent obtained sale deed from the father of the complainant through the



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Power Agent, and with regard to the above said matter an F.I.R. in Cr.No.145/2025 has also registered and in that F.I.R. also it is stated that Mrs.Blessy filed a complaint before the Tenkasi District Superintendent of Police in January 2024 and on the investigation it is found that there is no wrong against this first respondent and a suit in O.S.No.2 of 2024 also pending between the parties and due to the above said motive a false complainant has been given against this first respondent. On perusal of F.I.R. it is stated that at the time of occurrence, this first respondent put his hand on the victim's back side and he demanded water from her and when she went into the house for fetching water, this first respondent went into the house and tried to embrace and kiss the victim and hence the offence u/s.7 and 8 of POCSO Act was not made out against the first respondent. The first respondent's health was seriously affected by sickness and he was treated in the Jail hospital, for the said reason only bail was granted to the first respondent by the learned Principal sessions Judge, Tenkasi on 10.06.2025. From 28.06.2025 onwards, this petitioner has been regularly complying the condition imposed by the trial Court. All the allegations levelled against the first respondent/accused are baseless and false in nature. The first respondent/accused is an innocent person and he has not committed any offences as alleged by the prosecution. The first respondent is a law abiding citizen and always ready and willing to cooperate with the investigation.



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Hence, he prays to dismiss the present cancellation of bail petition.

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7. The learned Government Advocate (Criminal Side) would submit that this case has been registered based on the direction of the Hon'ble High Court and the allegation against the first respondent is that the petitioner put his hand on the victim's back side and he demanded water from her and when she went into the house for fetching water, this first respondent/accused trespassed into the house and tried to embrace and kiss the victim and threatened her with dire consequences and the investigation in this case is still pending. The first respondent / Accused, was arrested and remanded to judicial custody on 06.06.2025 for the offences punishable under Sections 7, 8 of POCSO Act and Section 506(2) of IPC in Crime No.15 of 2025 on the file of the respondent police. He regularly appeared and sign before the respondent police. With regard to the civil dispute a F.I.R. in Cr.No.145 of 2025 on the file of respondent police is pending. Hence, he objected to allow the present cancellation of bail petition.

8. Heard and perused the available records. It is seen from the records that the petitioner, who is de facto complainant, lodged complaint alleging that the 1st respondent trespassed into her house, by enquiring about her mother and made bad



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touches on her body and also tried to embrace and also criminally intimidated her.

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So, a case in Cr.No.15 of 2025 was registered U/s.7 and 8 of POCSO Act and 506 (2) of IPC. The 1st respondent filed the bail application in CrI.M.P. No.1529/2025 before the Principal Sessions Court, Tenkasi, stating that due to civil dispute and previous enmity, the petitioner has falsely implicated him and also stating age related illness. The bail was granted by the Principal Sessions Court, Tenkasi on 10.06.2025 with conditions and thereafter, the daily appearance condition before the 2nd respondent police was modified as to appear 1st day of every month from 01.08.2025 as per order in CrI.M.P.No.1908 of 2025.

9. Now, the petitioner has filed this petition to cancel the bail on the ground that the 1st respondent has been following her wherever she goes and also her life is endangered at the hands of the 1st respondent.

10. It is well settled that considerations for the grant of bail and for the cancellation of bail are different. In this regard, it is useful to refer to the observation of the Hon'ble Supreme Court in *Dolat Ram and others Vs. State of Haryana* reported in (1995) 1 SCC 349, wherein the Hon'ble Supreme Court has stated as follows:

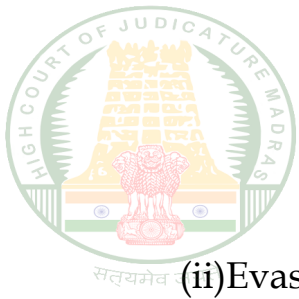


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"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted."

11. The Hon'ble Supreme Court has laid down the following grounds for cancellation of bail in the above judgment.

(i) Interference or attempt to interfere with the due course of administration of



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(ii) Evasion or attempt to evade the due course of justice

(iii) Abuse of the concession granted to the accused in any manner

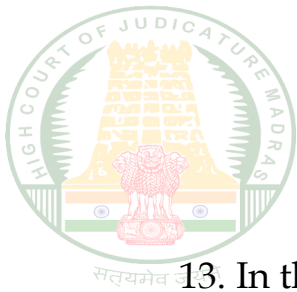
(iv) Possibility of the accused absconding

(v) Likelihood of / actual misuse of bail

(vi) Likelihood of the accused tempering with the evidence or threatening witnesses.

12. The 2nd respondent police has stated that the 1st respondent has not violated any of the conditions imposed on him as per the bail order and also he has not attempted to tamper with the witnesses. On the 2nd respondent's side, it is further stated that the 1st respondent is cooperating with the investigation. The petitioner has not produced any material to show that the 1st respondent has violated the aforesaid conditions and also she has not produced any material to satisfy the ingredients for cancellation of bail. She simply stated that the 1st respondent has been following her and intimidating her, but she has not filed any complaint. There are no adverse grounds put forth by the 2nd respondent police against the 1st respondent. After filing the present case, there is another case registered in Crime No.145 of 2025 based on civil dispute and there is a civil suit pending in O.S.No.2 of 2024 between the parties. Hence, it is presumed that the petitioner is attempting to multiply the proceedings. In these circumstances, this

Court does not find any reason to cancel the bail.



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13. In the result, this Criminal Original Petition is dismissed.

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19/08/2025

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/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn
TO

1 The Principal Sessions Judge,
Tenkasi.

2 The Superintendent,
Central Prison,
Palayamkottai.

3 The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.

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

ORDER
IN

CRL OP(MD) No.11060 of 2025
Date :19/08/2025

NM/09.09.2025/ 11P/4C

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