



CRL OP(MD). No.11078 of 2025

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

Date : 01.07.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.11078 of 2025

Thanush,
S/o.Nagarajan

...Petitioner / Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
(Crime No.86 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.N.S.Ramakrishna Dass,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.86 of 2025 on the file of the respondent police.



CRL OP(MD). No.11078 of 2025

WEB COPY

ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 09.05.2025 for the offences punishable under Sections 296(b), 332(b), 64, and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), in Crime No.86 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.05.2025 at about 8:30 p.m., the husband of the defacto complainant had gone to the Therimelvilai Esakkiamman temple festival. At that time, the defacto complainant and her two children were alone at home. The main door of the house was closed but not locked, and the defacto complainant was using her mobile phone. In the meantime, the accused allegedly opened the door, trespassed into the house, verbally abused the defacto complainant using filthy language, forcibly committed sexual intercourse with her, and subsequently threatened her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an



CRL OP(MD). No.11078 of 2025

innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would also submit that no injury was caused by the petitioner. He would further submit that the petitioner is in custody from 09.05.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the accused person forcibly committed sexual assault on the defacto complainant and escaped from the scene of occurrence. He would further submit that there are no previous cases against the petitioner. He would further submit that the petitioner had earlier filed a bail application before the learned Principal Sessions Judge, Kanniyakumari District, in CrI.M.P. No. 2208 of 2025, and the same was dismissed on 10.06.2025. He would also submit that the investigation in this case is still pending and therefore, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into



CRL OP(MD). No.11078 of 2025

consideration the period of incarceration and also the fact that there are no previous cases against the petitioner, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

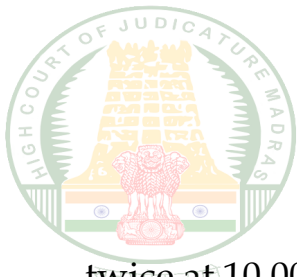
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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of learned Additional Mahila Court, Nagercoil, 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 mobile number to the learned Additional Mahila Court, Nagercoil. If the petitioner changes his residential address, he shall report the same to the learned Additional Mahila Court, Nagercoil.

[c] the petitioner shall appear and sign before the respondent police daily



CRL OP(MD). No.11078 of 2025

twice at 10.00 a.m. and 05.00 p.m. until further orders.

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[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 Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
01/07/2025

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01/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL OP(MD). No.11078 of 2025

TO मेव जयते

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1. The Additional Mahila Judge,
Nagercoil.
2. The Officer-in-Charge,
District Jail,
Nagercoil.
3. The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-6950[I] dated 01/07/2025
)

ORDER
IN

CRL OP(MD) No.11078 of 2025
Date :01/07/2025

HPS/01.07.2025 /6P/6C

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