



Crl.O.P(MD).No.11318 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 04.07.2025

Pronounced on : 17.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.11318 of 2025

Viswanathan

...Petitioner/Sole Accused

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
All Woman Police Station,
Fort, Trichy City.
(Crime No.15 of 2025

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner/accused on bail in Crime No.15 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.side)

ORDER

The petitioner seeks bail for the alleged offences U/s.9(1) r/w 10 of the POCSO Act, 2012, in Crime No.15 of 2025 on the file of the respondent police.



Crl.O.P(MD).No.11318 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner is alleged to have attempted to misbehave with the victim girl in September, 2024 and on 15.12.2024 made bad touch upon the chest of the victim girl and also in February, 2025 the petitioner gave Rs.50/- and showed his private part, hence, the defacto complainant gave a complaint on 30.05.2025.

3. The learned counsel for the petitioner has submitted that the mother of the defacto complainant is living separately as her husband left her and she requested the petitioner to aid her family. Later, the mother of the defacto complainant demanded huge money and the petitioner refused to pay. Being disgruntled over this, the mother of the defacto complainant came to the petitioner's house on 10.04.2025 and made quarrel with the wife of the petitioner by using filthy words. Hence, the wife of the petitioner gave a complaint before the respondent police against the mother of the defacto complainant. As a counterblast, the present complaint was lodged by the defacto complainant, who was used as tool by her mother. The petitioner has produced a copy of the petition receipt in CSR.No.129/2025 issued by the respondent police. The statement U/s.183 of BNSS has been recorded and the material part of the investigation has been completed.



Crl.O.P(MD).No.11318 of 2025

The petitioner is in custody for more than 45 days and he is ready to abide by any condition. Therefore, the petitioner may be granted bail.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having illegal contact with the defacto complainant's mother. The petitioner told the defacto complainant's mother that she got older and asked her to send her daughters. Thereafter, the petitioner attempted to misbehave with the defacto complaint by hugging her and also having bad touch on her chest portion and subsequently thereof the petitioner showed his private part by giving money, while the defacto complainant was returning from school. The petitioner committed sexual assault upon the defacto complainant. The investigation is pending. Hence, he prays for dismissal of this petition.

5. Heard and perused the available records. It is seen from the records that prior to this present complaint, the wife of the petitioner gave a complaint against the mother of the defacto complainant before the respondent police, as known from a copy of the receipt in CSR.No.129/2025, dated 12.04.2025. It is mentioned therein as family dispute. Later, the present complaint is lodged leveling allegations of bad touch on the defacto complainant by the petitioner. So, the petitioner said that he



Crl.O.P(MD).No.11318 of 2025

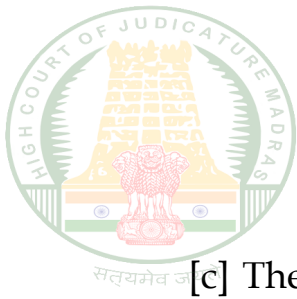
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has been falsely implicated in this case as a counterblast of previous case lodged by his wife against the defacto complainant's mother. These facts would be decided by the trial Court only after trial. The victim's statement U/s.183 of the BNSS has been recorded by the learned Judicial Magistrate. The petitioner is aged more than 62 years and he is in custody from 30.05.2025. There are no serious allegations of sexual torture or penetration. Considering the above facts and circumstances and also considering the incarceration period, this Court is inclined to grant bail to the petitioner with 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 sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Trichy 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, Mahila Court, Trichy. If the petitioner changes his residential address, he shall report the same to the learned Sessions Judge, Mahila Court, Trichy;



Crl.O.P(MD).No.11318 of 2025

[c] The petitioner shall appear and sign before the respondent police daily at 10.00 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 Section 269 BNS.

sd/-
17/07/2025

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17/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO

1 THE SESSIONS JUDGE,
MAHILA COURT,
TRICHY.



Crl.O.P(MD).No.11318 of 2025

2 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
FORT, TRICHY.

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

+1. CC to T.LENINKUMAR Advocate SR.No.7718 (I) DT.17/07/2025

ORDER
IN
CRL OP(MD) No.11318 of 2025
Date :17/07/2025

NM/17.07.2025/ 6P/6C

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