



CRL OP(MD).No.11502 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 08.07.2025

Pronounced on :15.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P.VADAMALAI

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... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.679 of 2015)

... Respondent / Complainant

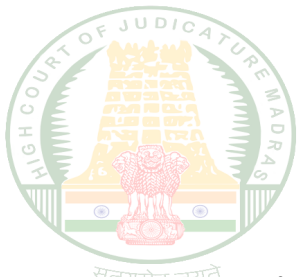
PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), to release the petitioner on bail in Crime No.679 of 2015 in Spl.S.C.No.105 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Ramakrishnan,
Advocate

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

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on



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23.03.2025 for the offences punishable under Sections 366 and 506(ii) of the Indian Penal Code, 1860, and Sections 7 and 8 of the Protection of Children from Sexual Offences (POCSO) Act, in Crime No.679 of 2015, in connection with Spl.S.C. No.105 of 2022 on the file of the learned Special Court for POCSO Act Cases, Kanyakumari District at Nagercoil, seeks bail.

2. The case of the prosecution is that on 04.09.2015 at about 07:45 a.m., while the victim girl was waiting at Marthandam Bus Stand to go to school, the petitioner approached her and informed that her mother had been admitted to the hospital. Believing the petitioner, the victim accompanied him, and he abducted her from Nagercoil to Tirunelveli. They stayed at the petitioner's relative's house in Tirunelveli. On the same night, while the victim was asleep, the petitioner is alleged to have attempted to sexually assault her by touching her inappropriately with sexual intent. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person 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 further submit that the petitioner hails from a poor family. He went abroad for employment and was unaware of the case registered against him. After completion of the investigation, the respondent police filed an absconding final

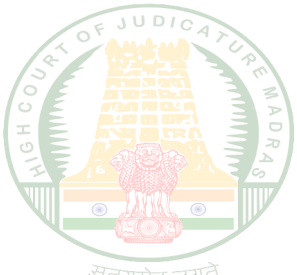


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report against the petitioner, and the case was taken on file by the Special Trial Court in Special S.C.No. 105 of 2022. On 28.11.2022, an arrest warrant was issued against the petitioner by the Special Court, which remained pending for a long time. Subsequently, a Look Out Circular (LOC) was also issued. On 23.03.2025, when the petitioner returned to India from abroad, he was arrested by officials of the Nedumbassery Police Station, Kerala State, at Cochin Airport and taken into their custody. Thereafter, on 24.03.2025, the respondent police arrested the petitioner and remanded him to judicial custody. The investigation in this case is almost complete, and the charge sheet has already been filed. The petitioner has been in custody for more than 100 days, and further custodial interrogation is not necessary. The petitioner undertakes to cooperate with the trial proceedings. Furthermore, the respondent police have impounded the petitioner's passport, and he has not attempted to evade the process of law.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner attempted to sexually assault the victim girl by inappropriately touching her with sexual intent. He would further submit that, on the date of occurrence, the victim was only 13 years old. He would further submit that the statement recorded from the victim girl under Section 164 of Cr.P.C., clearly discloses the offences alleged against the petitioner. He would also submit that if the petitioner is released on bail,



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he will cause threat to the victim girl and her family 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 including the statement recorded from the victim girl under Section 164 of Cr.P.C.

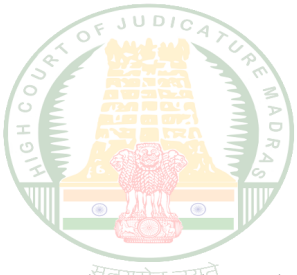
6. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the investigation has been completed and the charge sheet has also been filed and taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 Special Court for POCSO Act, Kanyakumari District at 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 contact number to the learned Judge, Special Court for POCSO Act, Kanyakumari District at Nagercoil.

If the petitioner changes his residential address, he shall report the same to the



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learned Judge, Special Court for POCSO Act, Kanyakumari District at Nagercoil.

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[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/-
15/07/2025

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

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TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT, KANYAKUMARI DISTRICT

<https://www.mhc.tn.gov.in/judis>



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2 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE, ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-7649[I] dated 16/07/2025)

ORDER
IN
CRL OP(MD) No.11502 of 2025
Date :15/07/2025

NBF/SAR- /16/07/2025/ 6P/6C

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