



CRL OP(MD).No.12001 of 2025

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

Date : 16/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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**Sumesh,
S/o.Murugan,**

..Petitioner/ Accused

Vs

**The State of Tamilnadu
rep.by The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.54 of 2022)**

.. Respondent/ Complainant

**For Petitioner : M/s.V.Sorimuthu
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.54 of 2022 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 04.04.2025 for the offences punishable under Section 363 of IPC altered into Sections 366(A) of IPC and 6,5(1) of Protection of Child from Sexual Offences Act, 2012 in Crime No.54 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl have love affairs, the same was came to the knowledge of the defacto-complainant. On 20.05.2025 at about 7.30p.m. The victim girl went to the bus stop to go to her house, at that time, the petitioner abducted the victim girl and having penetrative sexual assault. Hence, the case.

3. The learned counsel for the petitioner would submit that on 02.01.2025, the petitioner has failed to appear before the trial Court. On 02.01.2025 a Non-Bailable Warrant was issued against the petitioner. On 04.04.2025, the NBW warrant was executed and the petitioner was arrested and remanded into judicial custody. Due to ill health, the petitioner was not able to appear before the trial Court. This petitioner is not at all intending to escape for evading from the law. The Non-appearance of



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the petitioner before the Trial Court is neither willful nor wanton, but for the above said reason. The petitioner is ready and willing to abide any conditions that may be imposed by this 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. In this case, except the Investigation Officer, all other witnesses were examined before the trial Court. He would further submit that the petitioner is in custody from 04.04.2025 nearly three months. 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 had issued Non Bailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 04.04.2025. In this case, investigation was completed, charge sheet has also been filed and the same was taken on file in Spl.S.C.No.89 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Tirunelveli. Now the trial Court posted the case for the examination of investigation officer. All the witnesses were examined. The trial was almost completed. However, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also



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taking note of the fact that investigation completed, charge sheet has also been filed
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and the same was taken on file in Spl.S.C.No.89 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Tirunelveli, the said case is posted for the examination of Investigation Officer, except the Investigation Officer, all the witnesses were examined, considering the undertaking given by the learned Counsel for the petitioner, the petitioner/accused remanded into judicial custody on 04.04.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following 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 learned Sessions Judge (Mahalir Neethimandram), Tirunelveli 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



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the learned Sessions Judge (Mahalir Neethimandram), Tirunelveli. If the petitioner changes his residential address, he shall report the same to the learned Sessions Judge (Mahalir Neethimandram), Tirunelveli;

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[c] the petitioner shall appear and sign before the concerned trial court at 10.00a.m. On all working days until further orders.

[d] the petitioner shall not abscond either during 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



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Section 269 BNS.

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sd/-
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16/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GVN

TO

1 THE SESSIONS JUDGE,
(MAHALIR NEETHIMANDRAM),
TIRUNELVELI.

2 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF POCSO ACT CASES,
TIRUNELVELI.

3 CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to SORIMUTHU.V Advocate SR.No.7639 (I) DT.16/07/2025



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ORDER
IN
CRL OP(MD) No.12001 of 2025
Date :16/07/2025

NM/16.07.2025/ 7P/7C

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