



CRL OP(MD).No.13099 of 2025

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

Date : 05/08/2025

PRESENT
THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.13099 of 2025

**Sivanesan,
S/o.Veerachamy,**

..Petitioner/ Accused

Vs

**The State of Tamilnadu
rep.by The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No.85 of 2025)**

.. Respondent/ Complainant

**For Petitioner : Mr.V.Pandiyan
Advocate.**

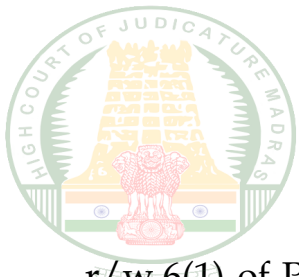
**For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)**

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.85 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-

**The petitioner / Accused, who was arrested and remanded to judicial custody
on 22.05.2025 for the offences punishable under Sections Girl missing @ 5(n), 5(1)**



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r/w.6(1) of POCSO Amendment Act, 2019 in Crime No.85 of 2025 on the file of the
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respondent police, seeks bail.

2. The case of the prosecution is that on 08.05.2025, the defacto-complainant's minor daughter went missing from home. Consequently, the defacto-complainant lodged the present complaint on 09.05.2025, and the respondent police registered a case as girl missing. Later, the victim was secured, and based on her statement, the petitioner was implicated as an accused in this case. Hence, the case.

3. The learned counsel for the petitioner would submit that the defacto-complainant is the elder sister of the petitioner, and the victim is his niece. This petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 22.05.2025, nearly 44 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner is aged about 40 years, he is very close relative victim girl, the age of the victim girl is 17 years. This petitioner is a married man and he is having six year old daughter. This petitioner made a promise to the victim girl that he would divorce his wife and marry her, on the pretext of marriage he had penetrative sexual



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intercourse with the victim girl on various occasions. The victim was secured by the respondent police from the private lodge at Palani. In this case, investigation has been completed, charge sheet has been filed through e-filing mode. However, he objected to grant bail to the petitioner.

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5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, the age of victim girl is 17 years, initially she eloped with the petitioner and stayed at several places and finally she caught by the respondent police at Palani in a private lodge, in this case, investigation was completed, charge sheet has also been filed through e-filing mode, taking into consideration of the change in circumstances, the petitioner/accused is in judicial custody from 22.05.2025, 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, Mahila Court, Pudukottai and on further conditions that :-



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[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.

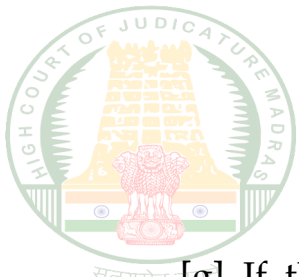
[b] The petitioner shall furnish his residential address and contact number to the learned Sessions Judge, Mahila Court, Pudukottai. If the petitioner changes his residential address, he shall report the same to the learned Sessions Judge, Mahila Court, Pudukottai;

[c] the petitioner shall stay at Dindigul and he shall appear and sign before the Inspector of Police, Dindigul Taluk Police Station daily twice at 10.00a.m., and 05.00p.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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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

gvn

TO

1. The Sessions Judge, Mahila Court,
Pudukottai.
2. The Officer Incharge,
District Jail,
Pudukottai.
3. The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
4. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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



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ORDER

IN

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Date :05/08/2025

PS/SAR.05.08.2025 6P/6C

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