



CRL OP(MD).No.12773 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2025

**PRESENT
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

CRL OP(MD).No.12773 of 2025

**Shakthi Kumar,
S/o.Uthirapandi,
Vs**

..Petitioner/ Accused

**The State of Tamilnadu
rep.by The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.118 of 2025)**

.. Respondent/ Complainant

**For Petitioner : Mr.R.Balakrishnan
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.118 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



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on 19.06.2025 for the offences punishable under Sections 126(2), 296(b), 351(2), 62, 64 (2)(f) and 74 of BNS, 2023 in Crime No.118 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, this petitioner illegally trespassed into the garden of the defacto-complainant and abused her in filthy language stating that the defacto-complainant should not marry another person and also the petitioner compelled her to marry him. This petitioner pulled her to the motor room closing her mouth and attempted to rape her and when she shouted, her family members arrived to the spot and on seeing them, the petitioner escaped from the spot. Hence, the case.

3. The learned counsel for the petitioner would submit that 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 19.06.2025, nearly 41 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner expressed her love affair to the victim and the victim girl refused to accept



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the love proposal of the petitioner. On 18.06.2025, this petitioner trespassed into the garden and forcibly raped her and when the complainant shouted, the accused threatened her and escaped from the spot. In this case, section.183 of BNSS statement was recorded from the victim. There is no previous case against this petitioner. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, section.183 of BNSS statement was recorded from the victim, this petitioner was in judicial custody for more than 40 days, from 19.06.2025 by this time most of the investigation might have been completed, 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 Judicial Magistrate, Sathankulam 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.



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[b] The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate, Sathankulam. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Sathankulam;

[c] the petitioner shall Stay at Trichy and he shall appear and sign before the Inspector of Police, Trichy Cantonment Police Station, Trichy 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.

sd/-
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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 Judicial Magistrate,
Sathankulam.
2. Do through the Chief Judicial Magistrate,
Thoothukudi.
3. The Officer In charge,
District Jail,
Thoothukudi.
4. The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
5. The Inspector of Police,
Trichy Cantonment Police Station,
Trichy.



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6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.BALAKRISHNAN, Advocate (SR-8177[I] dated 30/07/2025)

ORDER
IN
CRL OP(MD) No.12773 of 2025
Date :30/07/2025

PS/SAR.30.07.2025 6P/8C

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