



CRL OP(MD).No.12500 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Bhurkhan Ali,
S/o.Allah Pitchai, : Petitioner/Sole Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District.
(Crime No.9 of 2025) .. Respondent/Complainant

For Petitioner : Mr.A.Saravanan,
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.9 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner /Sole Accused, who was arrested and remanded to judicial



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custody on 05.04.2025 for the offences punishable under Sections 5(m), 5(l) r/w 6 of

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POCSO Act in Crime No.9 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's family was residing adjacent to the accused's house. The defacto complainant's children were used to stay in the petitioner/accused house. In such circumstances, the petitioner/accused alleged to have committed penetrative sexual assault on the victim, who is minor. Hence, the complaint.

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. The petitioner and the defacto complainant are neighbours. The defacto complainant borrowed a sum of Rs.2 lakhs from the mother of the petitioner and assured to return the same within two weeks, but she has not returned the same. Hence, the mother of the petitioner has given a complaint against the defacto complainant and the same is pending on the file of the Thondi Police Station. In order to escape from the above case, by using her minor child, lodged the above false complaint against the petitioner. He would further submit that it is purely a money dispute and the petitioner is in custody from 05.04.2025. Hence, he seeks bail.



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4. The learned Government Advocate (Criminal Side) would submit that on 05.04.2025, the petitioner/accused alleged to have committed penetrative sexual assault on the victim, who is minor. He would further submit that the statement under Section 183 of BNSS was recorded and after completion of investigation, charge sheet has been filed and the case was taken on file in Spl.S.C.No.55 of 2025 on the file of the Mahila Court, Ramnathapuram.

5. Taking into consideration of the facts and circumstances of the case and taking note of the fact that the investigation has already been completed and and charge sheet has also been filed and the same was taken on file in Spl.S.C.No.55 of 2025 on the file of the Mahila Court, Ramnathapuram and also considering the fact that the petitioner/Accused is in judicial custody from 05.04.2025, 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 Fast Track Mahila Court (Mahaleer



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Neethimandram), Ramanathapuram 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 Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram. If the petitioner changes his residential address, he shall report the same to the Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram;

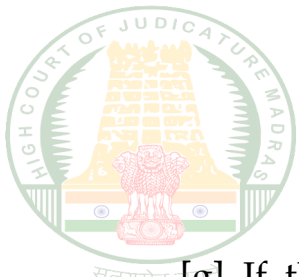
[c] the petitioner shall stay at Madurai and sign before the Tallakulam Police Station daily twice at 10.00 a.m., and 05.00 pm., except on hearing dates. On hearing dates, the petitioner shall appear before the trial Court;

[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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/07/2025

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

TO

- 1.The Fast Track Mahila Court
(Mahaleer Neethimandram),
Ramanathapuram.
- 2.The Officer In charge,
District Jail, Ramanathapuram.
- 3.The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Inspector of Police,
Tallakulam Police Station,
Madurai.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-8009[I] dated 24/07/2025)
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ORDER
IN
CRL OP(MD) No.12500 of 2025
Date :24/07/2025

PS/SAR.24.07.2025 6P/7C

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