



CRL OP(MD).No.12669 of 2025

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

Date : 11.08.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Surya

..Petitioner/Sole Accused

Vs

The State of Tamilnadu
Rep.by The Inspector of Police,
Bodi All Women Police Station,
Theni District.
(Crime No.18 of 2023)

.. Respondent/Complainant

For Petitioner : Mr.S.Arokia Selva Ramesh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Spl.S.C.No.275 of 2023, on the file of the Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Theni, in Crime No.18 of 2023 on the file of the respondent police.



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ORDER: This Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 07.07.2025 for the offences punishable under Sections 448 of IPC r/w 5(1) r/w 6 of POCSO Amended Act 2012, in Spl.S.C.No.275 of 2023, on the file of the Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Theni, in Crime No.18 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that after the registration of the case in Crime No.18 of 2023 and the respondent police have completed the investigation and filed a charge sheet in Spl.S.C.No.275 of 2023, before the file of the Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Theni. He further submitted that due to non-appearance of the petitioner, the trial Court has issued NBW against the petitioner on 17.06.2025 and the petitioner filed a recall petition and the same was dismissed and the same day, the petitioner was remanded on 07.07.2025. He further submitted that the petitioner undertakes that he will not abscond and he will regularly appear before the Trial Court on hearing dates without fail. He further submitted that the petitioner is in judicial custody from 07.07.2025. Hence, he seeks bail.



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3. The learned Government Advocate (Criminal Side) submitted 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 voluntarily surrendered before the concerned Court on 07.07.2025. He further submitted that there was a love affair between the petitioner and the victim girl and there was no penetrative assault on her. He further submitted that the charge sheet has also been filed and there is no previous case pending against the petitioner. However, he objected to grant bail to the petitioner.

4. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the petitioner has voluntarily surrendered before the concerned Court on 07.07.2025 and he filed a recall petition and the same was dismissed by the trial Court and also considering the undertaking given by the learned Counsel for the petitioner, there is no previous case against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

5. 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



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sureties, each for a like sum to the satisfaction of the learned Principal Special Court
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for Exclusive Trial of Cases Under POCSO Act, Theni, 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 Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Theni. If the petitioner changes his residential address, he shall report the same to the learned Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Theni.;

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m., until further orders except on the Court hearings. Further, the petitioner is directed to appear before the trial Court on all hearing dates.

[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



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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/-
11/08/2025

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/08/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mrm
To

1. The learned Principal Special Court
for Exclusive Trial of Cases Under POCSO Act,
Theni.
2. The Superintendent,
Sub Jail,
Theni.



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3. The Inspector of Police,
Bodi All Women Police Station,
Theni District.

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

ORDER
IN
CRL OP(MD) No.12669 of 2025
Date :11/08/2025

PS/SAR.12.08.2025 6P/5C

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