



CRL OP(MD).No.13105 of 2025

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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.13105 of 2025

G.Saravanan,
S/o.Gopi,

..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Kanyakumari.
(Crime No.24 of 2025)

.. Respondent/ Complainant

For Petitioner : Mr.D.Srinivasaragavan
Advocate.

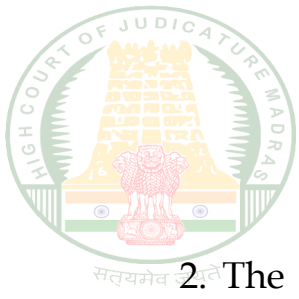
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.24 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 17.06.2025 for the offences punishable under Sections 64(1), 351(2) of BNS, 2023 and Sections 5(1), 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.24 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 07.07.2024, the defacto-complainant went to Thoothukudi for attending her relative's marriage function, there she met the petitioner and she became acquainted with him. Later, they loved each other. Under the pretext of marriage, this petitioner having penetrative intercourse with the defacto-complainant in several occasions and at the time of relationship, this petitioner also took photographs and threatened the defacto-complainant by stating that he will post the photographs in social media. Hence, the case.

3. The learned counsel for the petitioner would submit that at the time of lodging complaint the age of the defacto-complainant was 17 years 11 months 20 days. Even at the time of alleged incident the age of the defacto-complainant was over 17 years. Hence, the defacto-complainant was completely known about the consequences of such relationship. The said complaint was lodged after a delay of 9 months from the date of the alleged first incident and three months from the date of the alleged second incident i.e, on 09.09.2024 and 27.03.2025 respectively. 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 17.06.2025, nearly 49 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that this



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petitioner is aged about 21 years old and the defacto-complainant is aged about 17 years. The defacto-complainant and the victim have loved each other, on the pretext of marriage, this petitioner having penetrative sexual assault against her on several occasions. In this case, Section 183 BNSS statement was recorded from the victim, investigation is not yet completed. There is no previous case against this petitioner. However, 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, the alleged occurrence was took place on 09.09.2024 and 27.03.2025, however, the defacto-complainant lodged a complaint on 17.06.2025, at the time of lodging compliant, the age of the petitioner is 21 years and the age of the victim is 17years 11 months 20 days, in this case, 183 BNSS statement was recorded, by this time most of the investigation might have been completed, the petitioner/accused is in judicial custody from 17.06.2025, 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, Special Court for Exclusive of POCSO Act Cases, Kanyakumari District at Nagercoil and on



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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, Special Court for Exclusive of POCSO Act Cases, Kanyakumari District at Nagercoil. If the petitioner changes his residential address, he shall report the same to the learned Sessions Judge, Special Court for Exclusive of POCSO Act Cases, Kanyakumari District at Nagercoil;

[c] the petitioner shall stay at Salem and he shall appear and sign before the Inspector of Police, Shevapet 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



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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/-
05/08/2025

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05/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO : -

1. The Sessions Judge,
Special Court for Exclusive of POCSO Act Cases,
Kanyakumari District at Nagercoil.
2. The Officer Incharge, Sub-Jail,
Nagercoil.
3. The Inspector of Police,
All Women Police Station,
Kanyakumari District.
4. The Inspector of Police,
Shevapet Police station,
Salem.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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



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ORDER
IN
CRL OP(MD) No.13105 of 2025
Date :05/08/2025

SBN/05.08.2025 6P/7C

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