



CRL OP(MD).No.13554 of 2025

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

Date : 13/08/2025

PRESENT
THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.13554 of 2025

Vadivel @ Velmurugan,
S/o.Durairaj,

..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.
(Crime No.11 of 2024)

.. Respondent/Complainant

For Petitioner : Mr.C.Bethanasamy
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.11 of 2024 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 30.10.2024 for the offences punishable under Sections 3 & 4 of POCSO Act 2012



CRL OP(MD).No.13554 of 2025

altered into **(*)Sections 3,4,9(m) and 10 of POCSO Act** in Crime No.11 of 2024 on

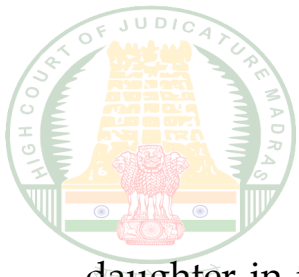
WEB COPY

the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant is the mother of the victim. The petitioner worked as acting driver. On 30.10.2024 the defacto-complainant travelling along with minor daughter and her father in law by her car which is driven by the petitioner. While the defacto-complainant is waiting in the Sub-Registrar Office, the petitioner abused the victim by penetrating his finger in her private part and abused her. Hence, the case.

3. The learned counsel for the petitioner would submit that the defacto-complainant is the mother of the victim. 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 30.10.2024, nearly 290 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner is aged about 46 years, he is worked as acting driver. The age of the victim girl is only 4 years. The defacto-complainant travelling along with her daughter and her father-in-law by her car, the car was driven by the petitioner. The defacto-complainant and her father-in-law went to sub-registrar office and leaving her



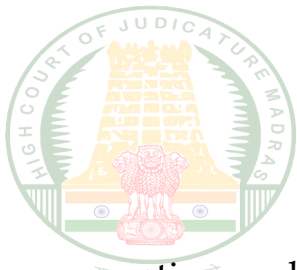
CRL OP(MD).No.13554 of 2025

WEB COPY

daughter in the car. At that time, this petitioner misbehaved with the victim and touched her private part and made penetrative assault against the victim. In this case, Section 183 BNSS statement was recorded from the victim. In this case, investigation was completed charge sheet has been filed and the same was taken on file in Spl.S.C.No.17 of 2025 on the file of the Sessions Judge, Principal Special Court for Exclusive trial of Cases under the POCSO Act, Sivagangai, charges framed and the trial has been commenced before the Trial Court. 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, in this case, investigation was completed, charge sheet has also been filed and the same was taken on file in Spl.S.C.No.17 of 2025 on the file of the learned Sessions Judge, Principal Special Court for Exclusive trial of Cases under the POCSO Act, Sivagangai, charges also framed the trial court commenced the trial, there is no previous case against the petitioner, the petitioner/accused is in judicial custody from 30.10.2024, 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



CRL OP(MD).No.13554 of 2025

sureties, each for a like sum to the satisfaction of learned Sessions Judge, Principal
WEB COPY
Special court for Exclusive trial of Cases under POCSO Act, Sivagangai 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.

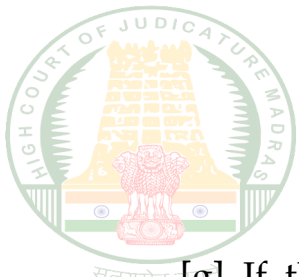
[b] The petitioner shall furnish his residential address and contact number to the learned Sessions Judge, Principal Special court for Exclusive trial of Cases under POCSO Act, Sivagangai. If the petitioner changes his residential address, he shall report the same to the learned Sessions Judge, Principal Special court for Exclusive trial of Cases under POCSO Act, Sivagangai;

[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. except on hearing dates, until further orders; further he shall appear before the concerned trial Court on 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 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].



CRL OP(MD).No.13554 of 2025

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

sd/-
13/08/2025

**(*)AMENDED AS PER THE ORDER OF THIS
HON'BLE COURT IN CRL.MP(MD) No.10982
of 2025 in CRL.OP(MD) No.13554 of 2025
DATED 18.08.2025 BY PVMJ.**

/ TRUE COPY /

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

GVN

**(*)TO BE SUBSTITUTED WITH THE ORDER
DATED 13.08.2025 ALREADY DESPATCHED.**

TO

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER THE POCSO ACT, SIVAGANGAI
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE, DINDIGUL TALUK POLICE STATION,
DINDIGUL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD).No.13554 of 2025

WEB COPY +1. CC to C. BETHANASAMY Advocate SR.No.8765 (I) DT.13/08/2025

ORDER
IN
CRL OP(MD) No.13554 of 2025
Date :13/08/2025

das

NBF/29.08.2025/ 6P/7C

NM/13.08.2025/ 6P/7C

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