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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.08.2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.13355 of 2025

Thanikodi @ Thanushkodi,
S/o.Chinnamuthudevar

.. Petitioner/Sole Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
All Women Police Station,
Bodinayakanur, Theni District.
(Crime No.26 of 2025)

.. Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.26 of 2025 on the file of the Respondent Police.

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ORDER : This Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 25.07.2025 for the offences punishable under Sections 9(m), 10, 11(1) and 12 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.26 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.07.2025, while the victim child was playing in the street, the petitioner is said to have sexually assaulted the victim child. Hence, the present case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. In fact, the petitioner was brutally assaulted by the parents of the child, thereby causing injuries. Thereafter, he was admitted to hospital on 13.07.2025 and discharged only on 26.07.2025. A counter case has also been registered against the parents of the victim child by the petitioner's daughter in Crime No.226 of 2025 for the offences under Sections 329(4), 296(b), 118(1) and 351(3) of BNS, 2023 on the file of the Bodinaickanur Police Station, Theni. He further submitted that in the counter

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case, A1 was arrested and subsequently released on bail by the learned Principal Sessions Judge, Theni, on 29.07.2025 in Crl.M.P.No.1545 of 2025, and that A2 to A4 were granted anticipatory bail by the learned Principal Sessions Judge, Theni, on 29.07.2025 in Crl.M.P.No.1499 of 2025. He, however, submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. He further submitted that the petitioner has been in judicial custody from 25.07.2025. Hence, he seeks bail for the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that this is a case, case in counter. The petitioner is the sole accused in the present case. The victim child is aged about 8 years, while the accused is aged about 65 years. It is alleged that while the victim child was playing in the street, the accused called her and sexually harassed her. When this came to the knowledge of her parents, they brutally assaulted the accused, for which a counter case has been registered against them at the instance of the accused's daughter. However, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, and taking note of the fact that the petitioner was admitted to the hospital on 13.07.2025

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and was discharged only on 26.07.2025, and that the petitioner was remanded to judicial custody on 25.07.2025, and that by this time most of the investigation might have been completed, and that the co-accused was arrested and subsequently released on bail by this Court, and also considering the period of incarceration already undergone by the petitioner, 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 the learned Principal Special Judge 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 Judge 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 Judge for Exclusive Trial of Cases under POCSO Act,

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Theni;

[c] the petitioner shall stay at Tirunelveli and sign before the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli daily at 10.00 a.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]; and;

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

sd/-
12/08/2025

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

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TO

1.THE PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
THENI.

2.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

1.THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI.

ORDER
IN
CRL OP(MD) No.13355 of 2025
Date :12/08/2025

NM/14.08.2025/ 6P/6C

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

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