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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.10.2025

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.17778 of 2025

Muniyasamy

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
State Rep By the Inspector of Police,
Bodi All Women Police Station,
Theni District.
Crime No.43 of 2023.

... Respondent/Complainant

For Petitioner : M/s.S.Prabha

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No.43 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 04.04.2025 for the offences punishable under Sections 376(2), 506(i) of IPC and 5(I), 5(i)(ii) read with 6 of POCSO Act 2012, in Crime No.43 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has taken the victim child to the forest for collecting fire wood where the petitioner has committed penetrative sexual assault on the victim child and impregnated the victim child. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 04.04.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the trial has already commenced, and the chief



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and cross-examinations of some of the prosecution witnesses have been conducted. Hence, he opposed the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that since chief and cross examinations were conducted in some of the prosecution witnesses as well as 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court 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.



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[b] The petitioner shall furnish his residential address and mobile number to the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni.

(c) 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.

[d] the petitioner shall report daily before the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni, until further orders

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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



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down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

(S S Y J)
15.10.2025

KSA

To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni.
2. The Superintendent, District Prison, Theni.
3. The Inspector of Police,
Bodi All Women Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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ORDER
IN
CRL OP(MD) No.17778 of 2025

Date : 15.10.2025