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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2025**

CORAM

**THE HONOURABLE MRS JUSTICE S.SRIMATHY**

**CRL OP(MD) NO. 17983 of 2025**

Sivabharathi

Petitioner/A-1

Vs

The State of Tamilnadu,  
Rep by, the Inspector of Police, All Women Police  
Station, Andipatti, Theni District.

Crime No.07/2025

Respondent(s)

**For Petitioner(s) : Mr.K.Dinesh**

**For Respondent(s): Mr.E.Antony Sahaya Prabahar,**  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

**Prayer:** For Bail in Crime No.07/2025 on the file of the respondent police.

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 12.08.2025 for the offences punishable under Sections 351(2) of BNS, 2023 and Sections 5(i), 5(i)(ii) read with 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.7 of 2025, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner kidnapped the victim child to the house of his grandfather, wherein the petitioner committed aggravated penetrative sexual assault on the victim girl several times by coercion and due to which she became pregnant. Hence, this case.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 12.08.2025. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail.

5. Considering the fact that the facts of the case this matter was referred to Mediation. The parties have settled the issue and entered into an agreement dated 18.11.2025 and the same is reproduced hereunder:



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**SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT entered into on 18.11.2025  
between

**Sivabharathi**

-Vs-

**Lakshmi (Defacto complainant),**

1. Disputes and differences had arisen between the parties hereto and CrI.OP.(MD).No. 17983 of 2025 was filed on 14.10.2025 Before This Hon'ble Madurai bench of Madras High Court.
2. The matter was referred to mediation/conciliation vide an order Dated 16.10.2025 passed by the Hon'ble Mrs. Justice S.Srimathy
3. The parties agreed that Mr.M.R. Sreenivasan & Mr.K.Suresh Kumar would act as their Mediator/ Conciliator.
4. Several meetings were held during the process of Mediation / conciliation from 28.10.2025 to 18.11.2025 and the parties have with the assistance of the Mediator/ Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this settlement Agreement in the presence of the Mediator/ Conciliator.
6. The following settlement has been arrived at between the parties Hereto:
  - a) The petitioner agreed to marry the defacto complainant daughter xxxx on attainment of majority through the Registered marriage.

R. Siva Bharathi

K. Al



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- b) The petitioner undertakes that he or his family members will not make any dowry demand or harassment of Defacto complainant/daughter xxxx.
- c) The petitioner agreed that after marriage he will take the child and mother along with him to Chennai where he is working.
- d) The Defacto complainant undertakes that once petitioner marry her daughter she will not make any further complainant as against the petitioner.
- e) Both parties agreed that after one year from the marriage if the petitioner leads happy marital life with defacto complainant's daughter xxx, thereafter both parties jointly file compromise quash.



7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to CrI.OP.(MD).No. 17983 of 2025 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of concillation / Mediations.

DATE: 18.11.2025

PARTIES'S SIGNATURE

P. Siva Bharani

:(Petitioner)

K. Al S.

Respondents

COUNSELS'S SIGNATURE

K. S.

:(Petitioner)

Respondents



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 Principal Special Court for Exclusive Trial of Cases under the 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/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

c) In case if the petitioner is not complied with the terms of agreements, the parties are at liberty to approach this Court. The settlement agreement shall form part and parcel of this order.

d)the petitioner shall not tamper with evidence or witness;

e)the petitioner shall not abscond during 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].

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

**20.11.2025**

KSA

To

1. The Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Theni.

2.The Inspector of Police, All Women Police Station, Andipatti, Theni District.

3. The Superintendent, District Jail, Theni.

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

6/6