



CRL OP(MD). No.19459 of 2025

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

Date : 10/11/2025

PRESENT
THE HON'BLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD)No.19459 of 2025

Mahalingam .. Petitioner/Accused No.3
Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Crime No.151 of 2023. ... Respondent/Complainant

For Petitioner : Mr.K.Rajiv Gandhi
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS
PRAYER :- C-6B. For Bail in Cr.No.151 of 2023 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and
remanded to judicial custody on 18.09.2025 based on
the NBW issued by the trial Court, for the offences
punishable under Sections 363 of IPC and Section 5(1)
r/w 6 of POCSO Act and Section 9 of the Child
Marriage Act, in Crime No.151 of 2023 on the file of
the respondent police, which was taken on file as
Spl.S.C.No.66 of 2023, seeks bail.



CRL OP(MD). No.19459 of 2025

2. The learned counsel for the petitioner submitted that the petitioner was regularly appeared before the trial Court. On 26.08.2025, since the petitioner had to travel abroad, the petitioner was not able to attend the trial Court. Hence, the trial Court issued NBW against the petitioner and he is in judicial custody from 18.09.2025. Hence, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the petitioner has eleven previous cases. He further submitted that the petitioner has jumped out of bail during trial on 26.08.2025 and thereafter he was secured through NBW on 18.09.2025. He further submitted that the petitioner has frequently jumped out of bail. It is seen the victim already married another person and having child. As far as the trial is concerned LW1 to LW3 were examined and cross-examination also over. The case is posted for investigation officer examination. However, he opposed for grant of bail to the petitioner.



CRL OP(MD). No.19459 of 2025

4. Taking into consideration of the facts and circumstances of the case and the petitioner is jumped out of bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

5. 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) each with two sureties, each for a like sum to the satisfaction of the learned Judge, Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the trial Court daily and for all hearing dates without fail;

[c] if the petitioner fails to attend any one hearing, the bail granted by this Court will automatically be vacated without further reference to this Court;



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CRL OP(MD). No.19459 of 2025

S. SRIMATHY, J.

PJL

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

[e] the petitioner shall not abscond 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 is 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 BNS.

10.11.2025

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TO

- 1.The Judge, Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram
2. The Superintendent, District Jail, Ramanathapuram.
3. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.19459 of 2025

4/4