



Crl.O.P.(MD)No.19162 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.11.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.19162 of 2025

Viswanathan

... Petitioner

Vs.

State of Tamil Nadu,

Represented by the Inspector of Police,

All Woman Police Station,

Kumbakonam.

(Crime No.37 of 2025)

... Respondent

For Petitioners : Mr.S.Sankar

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.37 of 2025 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7 and 8 of POCSO Act, 2012 in



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Crime No.37 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that after worshipping the God, the Defacto Complainant and his family came out from the Temple. The Defacto Complainant sent his 9 years old minor girl to put the offerings into the Hundi of the Thiruvallansuzhi Kabartheeswarar Temple. The minor girl did not return in time. Hence, the Defacto Complainant went inside the Temple to find his minor daughter. The Defacto Complainant found his daughter crying. When the Defacto Complainant enquired his minor daughter regarding the reason for her crying. She replied that the Temple priest forcefully touched her private parts. Hence, a case has been registered as against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner has not committed any offence. He seeks this Court to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the offences committed by the petitioner are serious in nature.



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5.The learned counsel appearing for the petitioner had taken a specific plea that the petitioner's vision is not proper. Therefore, this Court directed the respondent to assess the petitioner's vision. The Additional Public Prosecutor produced a report of his vision given by the Eye Department, Government Hospital, Thanjavur, wherein it is stated as under:

“From his current history taking and examination (10/11/2025) the following inference was obtained:-

- 1.Patient has decreased vision of BO) with visual acuity of PL+ in BE.*
- 2.Patient has severe visual acuity in BO) for which he can only perceive light.*
- 3. His visual acuity cannot be increased by adding spectacle corrections.*
- 4. According to his current vision, it is highly unlikely that he can see people closely or far away.*
- 5. According to his current visual status, it is highly unlikely that he can write, read or identify colours.*
- 6. Patient gives history of surgery in right eye and left eye and multiple intravitreal injections and detailed information is not available.*
- 7. At present, patient is not under any ocular treatment*
- 8. According to present visual status, it is highly unlikely that he can identify distant and near persons after spectcule correction.”*



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6.From the above report, it is confirmed that the petitioner's vision is not proper and he had operation on both right and left eyes. Some spectacle correction is necessary for proper vision.

7.Considering the above said report, this Court has come to the conclusion that the petitioner is not having proper eye vision.

8.Further, it is seen that the 164 statement is not supporting the case of the prosecution. The statement marks only (X), whenever the victim has narrated the incident. The said statement is bald.

9. Considering the above said facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on condition that the petitioner shall execute 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 POCSO Special Court, Thanjavur, within a period of fifteen days from the date on which the order copy made ready and on further conditions that:



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[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 respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

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

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

[e]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].

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

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1. POCSO Special Court,
Thanjavur.

2. The Inspector of Police,
All Woman Police Station,
Kumbakonam.

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



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S.SRIMATHY,J

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ORDER
IN
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