



CRL OP(MD). No.19472 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.11.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Ashokkumar

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
(Crime No.2 of 2024)

... Respondent/Complainant

For Petitioners : Mr.R.Vinodh

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.2 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 07.10.2025 based on the NBW issued by the trial Court, for the offences punishable under Sections 363 of IPC & Section 5(l) r/w 6 of POCSO Act, 2012, in Crime No. 2 of 2024 on the file of the respondent police, which was taken on file as Spl.S.C.No.53 of 2024, seeks bail.

2. The case of the prosecution is that the petitioner on false promise and committed penetrative sexual assault on the victim girl, who was 13 years old, subsequently, with the help of A2, he had taken the victim girl to so many places and again committed sexual assault on the victim. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner was regularly appeared before the trial Court. On 02.08.2025, due to advocates' boycott at Sivagangai, the petitioner was not able to attend the trial Court due to which the trial Court issued NBW against the petitioner and he is in judicial custody from 07.10.2025. Hence, he seeks bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner has four previous cases. He further submitted that the petitioner has jumped out of bail during trial on 02.08.2025 and thereafter he was secured through NBW on 07.10.2025. However, he opposed for grant of bail to the petitioner.

5. 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:

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) each with two sureties, each for a like sum to the satisfaction of the learned Judge, Principal Special Court Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, for 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.



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

[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 BNS.

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To

1. The Judge, Principal Special Court Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai.
2. The Superintendent, District Jail, Ramanathapuram.
3. The Inspector of Police, Sivagangai Taluk Police Station, Sivagangai District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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