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**CRL OP(MD). No.19652 of 2025**

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

Date : 10/11/2025

PRESENT  
THE HON'BLE MRS. JUSTICE S.SRIMATHY

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Kalimuthu ... Petitioner/Sole Accused

Vs

State of Tamilnadu Rep by  
The Inspector of Police,  
Awps-Theni, Theni District.  
(Crime No.47/2025). ... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- C-58 B. For Bail in Crime No.47/2025 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 16.09.2025 for the offences  
punishable under Sections 7 and 8 of Protection of  
Children from Sexual Offences Act,2012 and Section  
351(3) of BNS, 2023, in Crime No.47 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 is the Maternal uncle of the victim girl and it is alleged that the petitioner committed aggravated penetrative sexual assault on her several time. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 16.09.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor produced the 164 statement of the victim girl. However, he opposed for grant of bail to the petitioner.

5. Reading of the 164 statement reveals that there is no penetrative sexual assault committed by the petitioner. Further, taking into consideration of the facts and circumstances of the case and also



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considering the nature of offence and 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, Special Court for Exclusive Trial of Cases under POCSO Act, Theni, 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 respondent police daily at 10.30 a.m., until further orders;**

**[c]the petitioner shall not intimidate the victim girl and shall not enter into the street or house of the victim girl, and school in which the victim girl is studying;**



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**S. SRIMATHY, J**

PJL

[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.

**10.11.2025**

PJL

TO

- 1.The Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Theni
2. The Superintendent, District Prison, Theni.
3. The Inspector of Police, AWPS-Theni, Theni District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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