



CRL OP(MD). No.19780 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.19780 of 2025

S.Suresh .. Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep., By, The Inspector of Police,
AWPS Bodi Police Station,
Theni District.
Cr.No.19 of 2025. ... Respondent/Complainant

For Petitioner : P.Vetrivel

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- C-58B.For Bail in Cr.No.19 of 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 21.05.2025 for the offences
punishable under Sections 5(n), 9(k), 9(m) and 10 of
POCSO Act, in Crime No.19 of 2025 on the file of the
respondent police, seeks bail.



CRL OP(MD). No.19780 of 2025

2. The case of the prosecution is that the petitioner is the paternal uncle of the victim girl and it is alleged that the petitioner committed aggravated penetrative sexual assault on her. 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 21.05.2025. 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



CRL OP(MD). No.19780 of 2025

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, Principal 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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CRL OP(MD). No.19780 of 2025

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

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TO

1. The Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni
2. The Superintendent, Sub Jail, Uthamapalayam.
3. The Inspector of Police,
Awps Bodi Police Station, Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.19780 of 2025

4/4