



CRL OP(MD). No.20641 of 2025

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

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Date : 19.11.2025

PRESENT
THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Kandasamy ... Petitioner / Sole Accused
Vs

The State of Tamilnadu,
Rep by, the Inspector of Police,
All Women Police Station- Pudukottai,
Thoothukudi District.
(Crime No.20 of 2025) ... Respondent/Complainant
[Respondent police station is amended as per the order of this Court
dated 19.11.2025, in CrI.O.P(MD)No.20641 of 2025 by SSYJ]

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:- For Bail in Crime No.20 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 13.09.2025 for the offences punishable under Sections 7, 8, 9(m) &
9(n) of POCSO Act, 2023, in Crime No.20 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 none other than the father of the victim girl aged about 9 years old. The allegation against the petitioner is that on 16.08.2025 at about 9.30 p.m, the petitioner is said to have committed sexual assault upon the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner contended that the petitioner and the defacto complainant is the husband and wife and due to dispute between them, the defacto complainant lodged a false complaint against the petitioner and 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 13.09.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is having no previous cases and charge sheet has been filed and the same was taken on file. He further submitted that the respondent police is AWPS-Pudukottai, but in the petition, it is stated that AWPS-Thoothukudi. However, he opposed for grant of bail to the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and considering the nature of offence 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 Sessions Judge(FAC), Special Court for Exclusive trial of Cases under POCSO Act, Thoothukudi, 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 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;



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[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;

[g] the respondent police is amended as All Women Police Station-Pudukottai, Thoothukudi District.

19.11.2025

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To

1. The Sessions Judge (FAC), Special Court for Exclusive trial of Cases under POCSO Act, Thoothukudi,
2. The Superintendent, District Jail, Thoothukudi, Thoothukudi District.
3. The Inspector of Police,
All Women Police Station- Pudukottai, Thoothukudi.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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