



CRL OP(MD). No.21619 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.12.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Balamurugan

... Petitioner / Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
AWPS Thilagar Thidal Police Station,
Madurai City.
(Crime No.33 of 2025)

... Respondent/Complainant

For Petitioner : Mr.K.K.Samy

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.33 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.09.2025 for the offences punishable under Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012, Sections 66E and 67B of the Information Technology Act, 2000, and Section 351(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.33 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 23.09.2025, the defacto complainant was informed by her brother's wife that the petitioner had forwarded a video in which the victim was abused. When the defacto complainant questioned the victim, under compulsion, she had been sexually assaulted by the petitioner and that the said act had been recorded by him. Hence, the case.

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 video had not been circulated by the petitioner. He further submitted that the petitioner



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is in judicial custody from 26.09.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had allegedly committed penetrative sexual assault on the victim girl, recorded the same on video, and circulated the same. He further contended that, if the petitioner is released on bail, he is likely to abscond and evade the due process of law. Hence, he strongly opposed the grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case 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) with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act,



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Madurai, 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. until further orders.

[c] the petitioner shall not intimidate the victim and her family members. He shall not enter the victim's home, nor shall he visit or go near any place where the victim or her family resides or frequently moves, so as to ensure that no form of intimidation or interference is caused.

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

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

[f] 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



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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].

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

(S S Y J)
11.12.2025

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To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Madurai.
2. The Superintendent,
Central Jail,
Madurai.
3. The Inspector of Police,
AWPS Thilagar Thidal Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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S.SRIMATHY,J.

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ORDER
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