



CRL OP(MD). No.22558 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.12.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD)No.22558 of 2025

Muthukumar

... Petitioner / Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No.8 of 2018)

... Respondent/Complainant

For Petitioner : Mr.P.F.Ferlin Castro

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.8 of 2018 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 20.02.2025 for the offences punishable under Sections 5(1), 5(n), 5(j) (ii) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.8 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had allegedly committed penetrative sexual assault on the victim girl during the period when she was studying in the 5th standard. Based on the said allegation, an FIR was registered against the accused. Pursuant to the execution of the Non-Bailable Warrant, he was arrested and remanded to judicial custody on 20.02.2025.

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 20.02.2025. Hence, he seeks bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner had allegedly committed penetrative sexual assault on the victim girl during the period when she was studying in the 5th standard. He further contended that, if released on bail, the petitioner 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, Madurai, 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 Trial Court once every month, specifically on the first working day of every month at 10.30 a.m., until the completion of the trial. The petitioner shall also appear before the Trial Court on all hearing dates without fail. Any request for relaxation of these conditions shall not be entertained. In the event of any change of address, the petitioner shall immediately intimate the same to the Trial Court.

[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].



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

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(S S Y J)
09.12.2025

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To

1. The Principal Special Court,
Madurai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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ORDER
IN
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