
(2025) 10 MH CK 0028

Madras HC

Case No: Criminal Original Petition (MD) No. 18713 Of 2025

Poonjolai

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023 — Section 87, 269
- Protection Of Children From Sexual Offences Act, 2012 — Section 5(l), 5(n), 6
- Code Of Criminal Procedure, 1973 — Section 164

Hon'ble Judges: S.Srimathy, J

Bench: Single Bench

Advocate: V.Muthusamundeeswaran, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 25.07.2025 for the offences punishable under Sections 87 of BNS and Section 5(1), 5(n) r/w. 6 of POCSO Act, in Crime No.357 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that The case of the prosecution is that the petitioner and the victim girl were in a love affair, and he had sexual intercourse with 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 25.07.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had sexual intercourse with victim girl, who is a minor.

Therefore, he opposed for grant of bail to the petitioner.

5. Taking into consideration the fact that the statement recorded under Section 164 of Cr.P.C does not support the case of the prosecution 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, 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 as and when required for interrogation. He has to co-operate for the investigation.

[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.