

(2025) 12 MAD CK 0028

Madras HC

Case No: Criminal Miscellaneous Petition (MD) No. 22420 Of 2025

Sureshkumar

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 194
- Bharatiya Nyaya Sanhita, 2023-Section 108, 269

Hon'ble Judges: S.Srimathy, J

Bench: Single Bench

Advocate: K.Dinesh, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 05.11.2025 for the offence punishable under Section 194 of BNSS altered into Sections 108 of BNS and 5(j)(ii), 5(1) & 6 of Protection of Child From Sexual Offences Act, in Crime No.476 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.10.2025 at about 4.00 p.m., the defacto complainant received a phone call stating that her daughter, the deceased, had committed suicide. The defacto complainant also stated that the deceased girl had been in a relationship with one Akash for the past one year. 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 05.11.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the victim / deceased had committed suicide and that she had been in a relationship with one Akash / A-1 for the past one year.

5. Taking into consideration of the fact that the petitioner is the father of A-1, who is also 19 years old 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 under POCSO Act, 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.