

(2025) 12 MAD CK 0034

Madras HC

Case No: Criminal Original Petition (MD) No. 19141 Of 2025

Nagarajan @ Nagaraj

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

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**Date of Decision:** Dec. 8, 2025**Acts Referred:**

- Protection Of Children From Sexual Offences Act, 2012-Section 11(I), 11(Iv), 11(Vi), 12
- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989-Section 3(1)(w)(ii), 3(2)(va)
- Rights Of Persons With Disabilities Act, 2016-Section 92
- Bharatiya Nyaya Sanhita, 2023-Section 269

**Hon'ble Judges:** S.Srimathy, J**Bench:** Single Bench**Advocate:** T.Vadivelan, E.Antony Sahaya Prabahar

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**Judgement**

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 13.09.2025 for the offences punishable under Sections 12 r/w. Sections 11(i), (iv), (vi) of POCSO Act, 2012 and Sections 3(1)(w)(ii), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and Section 92 of the Rights of Persons With Disabilities Act, 2016, in Crime No.33 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner verbally harassed the victim sexually, both directly and over the phone, and the victim is suffering from nyctalopia. 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 13.09.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the offences committed by the petitioner are serious in nature. Therefore, he opposed for grant of bail to the petitioner.

5. The victims have clearly stated the offences committed by the petitioner, and the petitioner, being a Lecturer, ought not to have committed such an offence. However, 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, Mahila Court, Tirchirappalli, 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 stay at Madurai and report report before the Inspector of Police, Thallakulam Police Station, Madurai, daily at 10.30 a.m., until further orders. The petitioner is further directed not to intimidate the victims.

[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.