

(2026) 08 MAD CK 1267
In the Madras High Court, Madurai Bench
Case No : CrI.O.P.(MD)No.16309 of 2026

Manikandan

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 329(2), 296(B), 64(1), 351(3), 269
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483

Citation : (2026) 08 MAD CK 1267

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : For Petitioner: Ms.M.Murugeswari, Advocate; For Respondent:
Mr.N.Balasubramanian, Counsel for State of TN (CrI. Side)

Final Decision : Allowed

Judgement

The petitioner / Accused, who was arrested and remanded to judicial custody on 16.03.2026, for the offences punishable under Sections 329(2), 296(b), 64(1), 351(3) of BNS, in Crime No.140 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is known to the victim and sought shelter in her house on the pretext that the police were searching for him. Accordingly, she allowed him to sleep in the room. While she was sleeping, the petitioner committed rape on her, and thereafter, the petitioner ran away from the place. Hence, on the next day, the victim immediately went to the house of the her son and informed him about the occurrence. Thereafter, she was admitted to the hospital. Subsequently, a complaint was lodged, a case was registered, and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He is not involved in any previous criminal case. The petitioner is in judicial custody from 16.03.2026 and he is ready to co-operate with the investigation process. He

further submitted that there is no medical evidence to support the allegations against him. Hence, she prayed bail for the petitioner.

4. The learned counsel for the State (Crl. Side) appearing for the respondent Police reiterated the prosecution case and submitted that the petitioner has committed rape upon the elder lady, who is aged about 72 years, during the mid night. Investigation in this case has been completed and the final report was also filed before the committal Court. Thereafter the case was committed to the Sessions Court, now it is pending in S.C.No.193 of 2026 on the file of the Principal Sessions Judge, Kanniyakumari District at Nagercoil. Hence, opposed to the grant of bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. I have gone through the FIR, Accident Register and other materials. Considering the circumstances in this case and also the petitioner of incarceration undergone by the petitioner, this Court is of the view that the petitioner is entitled for bail. Accordingly, this Court is inclined to grant bail to the petitioner, subject to certain conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Eraniel**, and on further conditions that:

[b] **the petitioner shall stay at Tirunelveli, and report before the learned Judicial Magistrate No.II, Tirunelveli, at 10.30 a.m., until further orders and also appear before the trial Court on all hearing dates;**

[c] **the petitioner shall enter into the police jurisdictional limit, where the victim is residing:**

[d] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[g] On breach of any of the aforesaid conditions, the learned Judicial 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 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 51730].

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