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Crl.O.P.Nos.29048 & 29063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.29048 & 29063 of 2024

Veeramani

... Petitioner in
Crl.O.P.No.29048 of 2024

Kaviyarasan

... Petitioner in
Crl.O.P.No.29063 of

2024

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station, Salem Town,
Salem District.
(Crime No.21 of 2024).

... Respondent in
both Crl.O.Ps.

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail in Crime No.21 of 2024 on the file of the respondent police.

For Petitioners : Mr.R.Chakkaravarthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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COMMON ORDER

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These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 16.10.2024, seeking bail in Crime No.21 of 2024 registered for the offences punishable under Section 87 of BNS 2023 and Sections 3(a), 4, 16 and 17 of POCSO Act, 2012.

2.The case of the prosecution is that the petitioner in Crl.O.P.No.29048 of 2024, who is A1, had abducted the minor victim girl, who is aged about 16 years and had committed penetrative sexual assault on her and that A2, the petitioner in Crl.O.P.No.29063 of 2024 and A3, who are friends of A1, had assisted for the offence. Hence, the case.

3.Learned counsel appearing for the petitioner would submit that A1 is aged about 18 years and without understanding the consequence, he fell in love with the victim minor girl, who was aged about 16 years and on coming to know of the same, the parents of the victim girl had assaulted her and thereby, she came out of her house and



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A1 had taken her. He would further submit that having come to know about the registration of the case against A1, he had surrendered before the respondent and he is in custody from 16.10.2024 and that major part of the investigation is over. He would also submit that since A1 could not be traced, in order to secure him, his friends, viz., A2, who is the petitioner in Crl.O.P.No.29063 of 2024 and A3 have been implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of bail to the petitioners, would submit that A1 had abducted the minor victim girl and had committed penetrative sexual assault on her and A2 and A3 had booked room to them so as to help A1.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the



period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of learned Sessions Judge, POCSO Court, Salem District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before Attur Town Police Station daily at 10.30a.m., until further orders.

[c] it is made clear that the petitioners shall not enter into the area of the victim.

[d] the petitioners shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[e] the petitioners shall not tamper with evidence or witness during trial;

[f] On breach of any of the aforesaid conditions,



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the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.11.2024

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To

- 1.The Sessions Judge, Principal POCSO Court,
Salem
- 2.The Inspector of Police,
All Women Police Station, Salem Town,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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