



Crl.O.P.No.29031 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.No.29031 of 2024

1.Samsul Hudha

2.Shagabudheen

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station (West),
Coimbatore City,
Coimbatore.

(Crime No.34 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.34 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Periaswamy I

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



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ORDER

This Criminal Original Petition has been filed by the petitioner/A2 and A3, who were arrested and remanded to judicial custody on 30.10.2024, seeking bail in Crime No.34 of 2024 registered for the offence under Sections 9(1), 9(m), 9(n) r/w 10, 16 r/w 17 of POCSO Act and Sections 323, 506(2) and 342 of IPC.

2. The case of the prosecution is that A1, who is related to the minor victim girl as a grandfather, had inappropriately touched the private parts of the victim, and when it was questioned by the relatives of the victim, the petitioners, who are the son and son-in-law of A1, had threatened the victim and her relatives. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to a family dispute, a false complaint has been given against them. Even as per the prosecution, the allegation as against the petitioners, who are the son and son-in-law of A1, is that they said to have threatened the family members of the victim, other than that, they have no role to play with the major offences as only the main accused had committed sexual assault on the victim girl. Hence, he prayed for grant of bail to the petitioners, who



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are in custody from 30.10.2024, stating that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that A1, who is related to the minor victim girl as a grandfather, had inappropriately touched the private parts of the victim, and when it was questioned by the relatives of the victim, the petitioners, who are the son and son-in-law of A1, had threatened the victim and her relatives.

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

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and the nature of allegation against the petitioners and also considering the period of incarceration undergone by them, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge for POCSO Act cases, Coimbatore**, 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 stay at Nagore and report before Nagore Police Station everyday 10.30 a.m until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 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]***;

[f] If the accused thereafter absconds, a fresh FIR can



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be registered under Section 269 of B.N.S.

21.11.2024

Anu

To

1. The Special Judge for POCSO Act,
Coimabtoire.
2. The Inspector of Police,
All Women Police Station (West),
Coimbatore City,
Coimbatore.
3. The Superintendent,
Central Prison, Coimabatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

Anu

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