



Crl.O.P.No.32 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

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

Crl.O.P.No.32 of 2025

Nithishkumar

... Petitioner

Vs.

The State, Represented by
The Inspector of Police
Kovilpalayam Police Station
Coimbatore District
(Crime No.593 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.593 of 2024 on the file of the respondent Police.

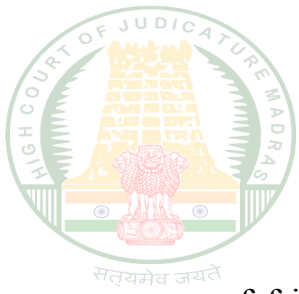
For Petitioner : Mr.K.Balasubramaniam

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

ORDER

Petition seeking bail in respect of Crime No.593 of 2024 registered for
the offences punishable under Sections 9(1), r/w.10, 11(iv) r/w.12 of POCSO
Act,2012 and Sections 127(2), 332(c) of BNS, is on board for consideration.

2.The incarceration of the petitioner being from 04.12.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned
counsel for the petitioner seeks indulgence of this Court. He also submits that the



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case of friendship has been misconstrued and a false complaint has been given against the petitioner. He also submits that even in the statement recorded from the victim girl, she has not made any allegation of penetrative sexual assault. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner, who is the dance master of the victim girl has inappropriately touched, hugged and kissed her.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a 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 Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 petitioner shall stay at Salem and report before the Inspector of Police, Fairlands Police Station, Salem, everyday at 06.30 p.m., until further orders;

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

[d] the petitioner 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 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 5560]*;

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

06.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Principal Special Court for exclusive trial of cases under POCSO Act,
Coimbatore

2.The Inspector of Police
Kovilpalayam Police Station
Coimbatore District

3.The Inspector of Police
Fairlands Police Station
Salem District

4.The Superintendent,
Central Prison, Coimbatore

5.The Public Prosecutor,
High Court of Madras.

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