



WEB COPY



Crl.O.P.Nos.122 & 64 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.122 & 64 of 2025

- | | |
|-----------------|--|
| 1. P.Pramasivam | ... Petitioner in Crl.O.P.No.122 of 2025
/Accused |
| 2. B.Bakkiyaraj | ... Petitioner in Crl.O.P.No.64 of 2025
/Accused |
| Vs. | |

The State represented by,
The Inspector of Police,
S-4, Nandambakkam Police Station,
(Crime No.139 of 2024). ... Respondent

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.139 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.N.Baskaran
for Mr.N.Deepanraj
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 17.11.2025, seeking bail in Crime No.139 of 2024, which was initially



registered for 'Girl Missing' and later altered to Section 87 of BNS r/w Sections 5(1) and 6(1) of POCSO Act.

2. The case of the prosecution is that due to dispute with her aunt, the victim girl left the house and when she was standing near Guindy bus stand, the petitioner in Crl.O.P.No.64 of 2025/A1 approached her and took her in car, promising that he would help her get a job and sent her to Trichy to the house of the petitioner in Crl.O.P.No.122 of 2025/A2 where the victim stayed for two days; that A1 thereafter asked A2 to send the victim back to Chennai; and at that time A1 sexually abused her; and that thereafter, A2 came to Chennai and he had also sexually abused the victim girl.

3. The learned counsel appearing for the petitioners would submit that the allegations are false; that the petitioners had only helped the victim girl to secure a job and in any case, further custody is not required for the purpose of investigation and considering the period of incarceration, they may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the



Crl.O.P.Nos.122 & 64 of 2025

respondent police, while opposing the bail petition, reiterated the prosecution case and confirmed the fact that the final report has not been filed.

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. Admittedly, the victim was aged 17 years and 11 months, at the time of occurrence. The petitioners were arrested on 17.11.2024. The respondent has not filed the final report and therefore, the statutory period of 90 days has elapsed.

7. Considering the aforesaid facts and the fact that the petitioners cannot be detained further, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen**



Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu**, 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 the respondent police everyday at 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]***;



WEB COPY



CrI.O.P.Nos.122 & 64 of 2025

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

17.02.2025

ars



WEB COPY



Crl.O.P.Nos.122 & 64 of 2025

SUNDER MOHAN., J.

ars

To

1. The Session Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Chengalpattu
2. The Inspector of Police,
S-4, Nandambakkam Police Station.
3. The Superintendent,
District Prison, Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.Nos.122 & 64 of 2025

17.02.2025