



Crl.O.P.No. 230 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.230 of 2025

Thangavel

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Petitioner

Vs.

State, represented by
Inspector of Police,
Tirupattur AWPS Police Station,
Tirupattur.
(Crime No.07 of 2024)

...

Respondent

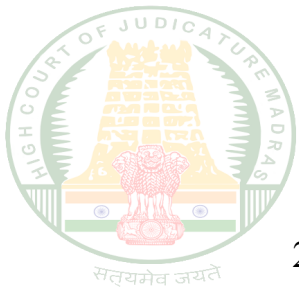
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail
concerned in Crime No.07 of 2024 on the file of the Inspector of Police,
Tirupattur AWPS Station, Tirupattur.

For Petitioner : Mr.R.Parthiban

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

ORDER

Petition seeking bail in respect of Crime No.07 of 2024 registered for
the offences punishable under Sections 363, 376 (AB) of IPC and Section 4,
5(m), 6 of POCSO Act, 2012, is on board for consideration.



2. The case of the prosecution as per the defacto complainant XXX is that the accused, who is a neighbour of the defacto complainant, called her minor daughter to his house and sprayed some substance on her face and when she was unconscious, he had removed her under garments and committed sexual assault on her on 08.05.2024. Since the victim girl did not inform her immediately but only later, she had given a complaint on 14.05.2024. The respondent, after investigation, has filed the final report before the Court.

3. The incarceration of the petitioner being from 14.05.2024, 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 would submit that though the alleged incident is said to have happened on 08.05.2024, a complaint has been given belatedly, only on 14.05.2024. He would submit that the petitioner was detained under Act 14 and later, the detention order was set aside by the Court and investigation has been completed and the final report has been filed by the respondent before the Court. He would further submit that the opinion of the Doctor suggests that there is no penetrative sexual assault on the minor victim girl. He would submit that there is a dispute between the petitioner and the defacto complainant's family, thereby a false complaint has been given

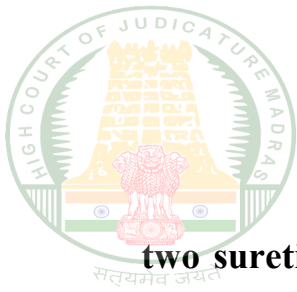


and the petitioner has been arrested on 14.05.2024 and he is in custody since then.

He would also submit that the petitioner has to engage a counsel and conduct a case. Hence, he seeks for anticipatory bail.

4. 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 neighbour of the victim girl, had called her to his house and after spraying of some substances on her face, committed penetrative sexual assault on her. He would further submit that the final report has been filed before the POCSO Court, Tirupattur.

5. 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 including the statement recorded from the victim under Section 183 of BNS Act, the medical opinion, the statement recorded from the doctor 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 learned **District and Sessions Judge, Tirupattur**, 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 petitioner shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, on every day at 10.30 a.m and he shall appear before the concerned Court on the hearing dates. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police till the examination of P.W.1 and the minor victim girl is completed;

[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]***;



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

WEB COPY can be registered under Section 269 of B.N.S.

21.01.2025

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To

1. The District and Sessions Judge,
Tirupattur
2. The Inspector of Police,
Tirupattur AWPS Police Station,
Tirupattur.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



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A.D.JAGADISH CHANDIRA.,J.

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