



Crl.O.P.No.347 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

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

Crl.O.P.No.347 of 2025

T.Mohanraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-2, Kodambakkam Police Station
(Crime No.238 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.238 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Prakash

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

ORDER

Petition seeking bail in respect of Crime No.238 of 2024 registered for the offences punishable under Sections 296(b), 75(2), 79, 121(1), 351(2) of BNS r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002, later, Section 11(i) of POCSO Act was included, is on board for consideration.



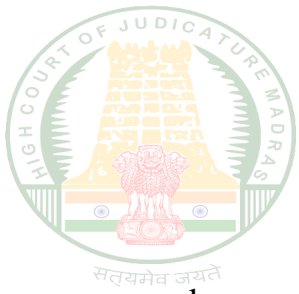
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2. The incarceration of the petitioner being from 13.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that due to a dispute with the traffic constable, a false complaint has been given through the shop vendors, who were having shops under the jurisdiction of the defacto complainant / traffic constable. He further submits that the petitioner is a married man and having three children and is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

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 accused had shown indecent gestures to the minor victim girls and also exposed his private part to them. When the same was questioned by the defacto complainant / traffic constable, the petitioner abused and assaulted her causing injuries.

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



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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 **Session Judge Special Court Exclusive Cases under POCSO Act** 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 report before the Inspector of Police, All Women Police Station, Thousand Lights, Chennai, everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.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



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A.D.JAGADISH CHANDIRA., J.
Anu

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.

09.01.2025

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To

1. The Session Judge Special Court
Exclusive Cases under POCSO Act

2.The Inspector of Police,
R-2, Kodambakkam Police Station

3. The Superintendent,
Central Puzhal Prison-II

4. The Public Prosecutor,
High Court of Madras.

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