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Crl.O.P.No.374 of 2025

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.374 of 2025

Suresh Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nannilam All Women Police Station,
Thiruvarur District.

(Crime No.32 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.32 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

Petition seeking bail in respect of Crime No.32 of 2024 registered for the offences punishable under Sections 329(3) of BNS under Section 3(b), 4 r/w



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Section 7 r/w Section 8 of Protection of Children from Sexual Offences Act, 2012, is on board for consideration.

2. The incarceration of the petitioner being from 30.10.2024 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 the petitioner and the victim girl are neighbours and due to an existing enmity, a false complaint has been given. He would submit that the investigation has been completed and charge sheet has not been taken on file. He would further submit that the petitioner is ready to prove his innocence 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, who is the neighbour of the minor victim girl, had trespassed into her house when no one was there and inappropriately touched her breast and also inserted his fingers in her private part. When an old man, who is also a neighbour of the victim girl came there, she intimated about the said



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incident to him. He would submit that the statement of the minor victim girl has been recorded under Section 183 BNSS and that final report has been filed and yet to be taken on file.

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, including the statement of the minor victim girl under Section 183 of BNS and the F.I.R 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 **Sessions Judge, Fast Track Mahila Court, Thiruvavarur** 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 Thiruppur and further report before the learned Sessions Judge, Fast



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Track Mahila Court, Thiruvapur on 03.02.2025 and thereafter on the dates fixed by the learned Trial Judge. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police station until the examination of the victim and her relatives are over;

[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.

09.01.2025

Anu



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To

1.The Sessions Judge, Fast Track Mahila Court, Thiruvarur

2. The Inspector of Police,
Nannilam All Women Police Station,
Thiruvarur District.

3. The Superintendent,
District Prison, Thiruvarur

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

Anu

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