



Crl.O.P.No.709 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.709 of 2025

P.Sathya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruchengode AWPS Police Station,
Namakkal District.
(Crime No.21 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.21 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Dhasarathan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.12.2024, seeking bail in Crime No.21 of 2024 registered for the offence under Sections 332(c) and 75 of BNS.



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2. The case of the prosecution is that the petitioner trespassed into the house of the defacto complainant and sexually harassed her daughter who is a mentally retarded person. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 10.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that, petitioner trespassed into the house of the defacto complainant and sexually harassed her daughter who is a mentally retarded person. He further submitted that, investigation is in progress and the statement of the victim girl under Section 183 of BNS is yet to be recorded.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Admittedly, petitioner is aged about 19 years. Though the statement of the victim girl is yet to be recorded, this Court is of the view that further custody of the petitioner is not required in this case. The delay in recording the statement cannot be used against the petitioner. Hence, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **Judicial Magistrate, Tiruchengode, Namakkal**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday 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 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 B.N.S.

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To

1. Judicial Magistrate, Tiruchengode, Namakkal District.
2. The Inspector of Police,
Tiruchengode AWPS Police Station,
Namakkal District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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