



Crl.O.P.No.553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.553 of 2025

Thennarasu

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Erode South Police Station,
Erode District.
(Crime No.363 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.363 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : M/s. R. Radha Pandian

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



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ORDER

Petition seeking bail in respect of Crime No.363 of 2024 registered for the alleged offences punishable under Sections 87 of BNS and 5(L), 6 of POCSO Act, is on board for consideration.

2. The case of the prosecution is that, the petitioner had kidnapped the victim girl on 27.11.2024 for committing sexual harassment. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and falsely implicated in this case and has not committed any offence as alleged by the prosecution. He also submitted that, initially the FIR has been registered as 'girl missing case' and later altered to Sections 87 of BNS and 5(L) and 6 of POCSO Act. He also submitted that the petitioner is in custody from 30.11.2024; that it is the case of love affair; that the petitioner is not guilty of penetrative sexual assault; and that in any case, further custody of the petitioner is not required for the purpose of investigation. He also submitted that the petitioner is ready to abide by any stringent condition that



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may be imposed by this Court and to appear and co-operate for the investigation, therefore, prayed to grant bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for granting of bail to the petitioner submitted that the petitioner is a married man and it is not the case of love and affair, the petitioner had induced the minor victim girl, taken her to his house and kissed her and also taken her to Karur. He also submitted that the Section 183 of BNSS statement of the victim girl has been recorded. He also submitted that the petitioner has no previous case and the investigation is pending.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, including the 183 BNSS statement of the victim girl.

6. The statement of the victim under Section 183 of BNSS does not suggest the commission of penetrative sexual assault. Hence, taking into



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consideration the facts and circumstances of the case, the nature of offence alleged, the submissions made by the learned counsels on either side, the period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, 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 (out of which, one surety shall be a blood related surety)**, each for a like sum to the satisfaction of the **Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode** 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 respondent Police everyday at 10.30 a.m., until further orders;



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[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.

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SUNDER MOHAN, J.

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To

1. The Sessions Judge,
Mahalir Neethi Mandram, (Fast Track Mahila Court)
Erode.
2. The Inspector of Police,
Erode South Police Station,
Erode District.
3. The Superintendent,
Sub Jail, Erode.
4. The Public Prosecutor,
High Court of Madras.

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