



Crl.O.P.No.568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

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

Crl.O.P.No.568 of 2025

Loganathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Salem Town

(Crime No.25 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.25 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.R.Gokulvisvas

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

ORDER

Petition seeking bail in respect of Crime No.25 of 2024 registered for the offences punishable under Section 87 BNS, Section 5(1) r/w Section 6 of POCSO Act, 2012, is on board for consideration.



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2. The incarceration of the petitioner being from 19.11.2024 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 submits that it is a case of love affair, which has been falsely projected as a case of sexual assault. He submits that the petitioner was married earlier and his wife got separated and the victim was also aware of the same. He further submits that the victim is 17 ½ years old and the complaint has been given on the instigation of her parents. He further submits that the petitioner 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 petitioner, who is a married man, had kidnapped the minor victim girl and had committed penetrative sexual assault on the victim girl, who is aged 17 ½ years old. He also submits that the statement of the minor victim girl has been recorded under Section 183 of B.N.S.S.

4. Having heard the learned counsel for the petitioner and the learned



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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 BNSS 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 **Additional Mahila Court, Salem** 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, B1 North Beach Police Station, 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



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conditions have been imposed and the petitioner released on

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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.

23.01.2025

Anu

To

1. The Additional Mahila Court, Salem

2. The Inspector of Police,
AWPS Salem Town

3.The Inspector of Police,
B1 North Beach Police Station,
Chennai.

4. The Superintendent,
Salem Central Jail

5. The Public Prosecutor,
High Court of Madras.

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