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Crl.O.P.No.966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2025

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THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.966 of 2025

1.Kishore

2.Balasubramani

3.Sumathi

.... Petitioners

Vs

State rep. by

The Inspector of Police,

All Women Police Station,

W-35, Vandalur Police Station,

Chengalpattu District.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 24 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Palani

For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.347 of 2024

registered for the offences punishable under Sections 7, 8 11(4), 12 of



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POCSO Act, and Sections 332(c), 351(2) of BNSS, 2023, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He submits that the 1st petitioner and the defacto complainant's daughter were known to each other and were in love affair with the 1st petitioner. When it came to the knowledge of her parents, they have allegedly compelled her to file a false complaint, accusing the petitioners of continuously harassing her. The defacto complainant had earlier induced her daughter to give a complaint before the Sundarapuram Police Station, Coimbatore, which was registered in Crime No.248 of 2024. The 1st petitioner was arrested on 19.11.2024 and later released on bail in Crl.O.P.No.30867 of 2024 dated 16.12.2024. Coming to know that the petitioner was granted bail, the defacto complainant preferred another complaint before the respondent police. The 1st petitioner complied with the condition regularly before the respondent police by reporting every Saturday at 6.30 p.m. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.



3. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the victim xxx is aged about 17 years and that the 1st accused one Kishore induced the victim girl to come on video call in a scanty dress and he had taken videos. Later on 31.12.2023, he invited the victim girl to his house and had committed penetrative sexual assault on her and also taken intimated photos. The 2nd and 3rd petitioners, who are the parents of the 1st accused, had supported the acts of the 1st accused.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners, this Court is of the view that the petitioners may be granted bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Chief**



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Judicial Magistrate, Chengalpattu, on condition that the each petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent Police daily at 06.30 p.m., for the period of two weeks and thereafter, on every Saturday at 6.30 p.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in



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P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
All Women Police Station,
W-35, Vandalur Police Station,
Chengalpattu District.

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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