



Crl.O.P.No.869 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

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

Crl.O.P.No.869 of 2025

Venkatesan

... Petitioner

Vs.

State, Rep. by Inspector of Police
All Women Police Station, Vellore,
Vellore District. (Crime No.45 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.45
of 2024 on the file of the respondent Police.

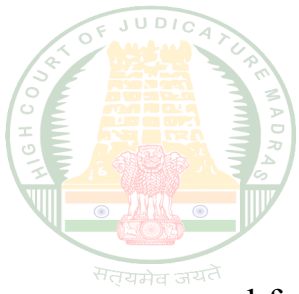
For Petitioner : Mr.E.Kannadasan

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

ORDER

Petition seeking bail in respect of Crime No.45 of 2024 registered for
the offences punishable under Sections 296(b), 75, 78, 115(2) of BNS r/w.
Section 11(1), 12 of Protection of Children from Sexual Offence Act, 2012 is on
board for consideration.

2.The incarceration of the petitioner being from 26.11.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned



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counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner and the de facto complainant are neighbours, during a quarrel the petitioner has assaulted the husband of the de facto complainant viz., Karunakaran, as a result, the de facto complainant filed a false complaint against the petitioner. He also submits that the petitioner is no way connected with the alleged offences and he is 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner misbehaved with the minor daughters of the de facto complainant, who are aged 11 years and 12 years. He further submits that the statement of the victim girls also recorded under Section 183 of BNSS.

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 statement of the victim girls recorded 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**



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only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge for exclusive trial of cases under POCSO Act, Vellore, Vellore District, 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 Cuddalore and report before the Inspector of Police Cuddalore Old Town 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 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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A.D.JAGADISH CHANDIRA, J.
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To

- 1.The Special Judge for exclusive trial of cases under POCSO Act,
Vellore, Vellore District
- 2.The Inspector of Police,
All Women Police Station, Vellore,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

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