



Crl.O.P.No.1534 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.1534 of 2025

K.Balan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
W7 Anna Nagar AWPS,  
Chennai.  
(Crime No.60 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.60 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Shanmugaboopathi

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 25.12.2024, seeking bail in Crime No.60 of 2024 registered for the offence under Sections 64(2)(k) of BNS, 2023.



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2. The allegation against the petitioner is that, he is a tenant under the defacto complainant and that both are residing in the same building. On 22.12.2024 in the afternoon, the defacto complainant asked her daughter to go to her father-in-law's place in the ground floor and when the victim returned to the house, she was crying and said to have told her that the petitioner had hugged her while watching TV and placed his hand on the breast and also in her private part. 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 further submitted that the petitioner and the defacto complainant had dispute with regard to payment of rent and that the allegations are false and in any case, the petitioner is in custody from 31.12.2024 and that he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) while opposing for grant of bail to the petitioner, submitted that the case is not false; that the victim aged



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19 years is a special child; and the statement under Section 164 of Cr.P.C., of the victim was recorded with the help of the interpreter.

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. The prosecution case and the statement under Section 164 of Cr.P.C., of the victim prima facie suggests that it is a case of bad touch. However, it is for the prosecution to establish their case before the trial Court. Considering, the nature of allegation; period of incarceration; the submissions made on either side and since further custody 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**, each for a like sum to the satisfaction of the learned **Additional Mahila Court, Egmore, Chennai** and on further conditions that:



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[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;**

[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.

**04.02.2025**

*Sma*



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To

1. The Additional Mahila Court,  
Egmore, Chennai.
2. The Inspector of Police,  
W7 Anna Nagar AWPS,  
Chennai.
3. The Superintendent,  
Central Prison, Puzhal at Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN., J.**

*Sma*

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