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CrI.O.P.No.2271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

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

CrI.O.P.No.2271 of 2025

Prabhu

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
AWPS, Mettur,
Salem District.
(Crime No.22 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.22 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. J. Franklin

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

ORDER



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Petition seeking bail in respect of Crime No.22 of 2024 registered for the alleged offences punishable under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act, 2012, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner and defacto complainant are residing in the same area, due to illegal motive, a false case has been foisted against the petitioner herein. He also submitted that the petitioner is in custody from 27.12.2024 and the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioner is that, the petitioner, who is aged about 20 years, had a love affair with his friend's sister, who is aged about 16 years, thereby induced her and had sexual intercourse with her. He also submitted that the victim girl has got pregnant and the sample is sent to lab for obtaining DNA Report.



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4. 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 FIR and 183 BNSS statement.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 Sessions Judge, Principal POCSO 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;



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[b] the petitioner shall report before the respondent

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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 of B.N.S.

30.01.2025

stn

To



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1. The Sessions Judge,
Principal POCSO Court,
Salem.
2. The Inspector of Police,
AWPS, Mettur,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA, J.



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