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Crl.O.P.No.1951 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

Crl.O.P.No.1951 of 2025

Kulainthaivel

... Petitioner

Vs.

The State Represented By Its Inspector of Police,
All Women Police Station, Palladam,
Tiruppur District.
(Crime No.23 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.23 of 2024 pending on the file of the respondent police.

For Petitioner : Mr. Balaji Thirumoorthy

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



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ORDER

Petition seeking bail in respect of Crime No.23 of 2024 registered for the offences punishable under Sections 7 and 8 of Protection of Child From Sexual Offences 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's father and victim girl's father are long time friends and due to a financial dispute between them, a false complaint has been lodged against the petitioner. He also submitted that the petitioner is in custody from 25.12.2024 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 herein had misbehaved with the minor victim girl by inappropriate touching her breast and private parts, while she stayed in the petitioner's home, on account



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of petitioner's daughter's puberty ceremony. He also submitted that the petitioner has no previous case.

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.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side, 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 **Fast Track Mahila Court, Tiruppur** 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 stay at Neyveli and report before the Inspector of Police, Neyveli Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police station.

[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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To

1. The Sessions Judge (FAC),
Fast Track Mahila Court,
Tiruppur.
2. The Inspector of Police,
All Women Police Station, Palladam,
Tiruppur District.
3. The Superintendent,
District Jail, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Neyveli Town Police Station,
Neyveli.



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A.D.JAGADISH CHANDIRA, J.

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