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Crl.O.P.No.1947 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.1947 of 2025

Shayinsha

... Petitioner

Vs.

The State Represented By the Inspector of Police,
All Women Police Station, Vellore,
Vellore District.
(Crime No.47 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.47 of 2024 pending on the file of the respondent police.

For Petitioner : Mr. G. Vinodhkumar

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



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ORDER

Petition seeking bail in respect of Crime No.47 of 2024 registered for the offences punishable under Sections 10, 9(m) of POCSO Act, 2012 and Sections 75 of J.J. Act, 115(2), 351(2), 75 and 78 of BNS, 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 is an auto driver by profession and he is no way connected with the alleged offence. He also submitted that, it is not a case of penetrative sexual assault and due to misunderstanding, a false complaint has been lodged by the defacto complainant. He also submitted that the petitioner is in custody from 22.12.2024 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



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had misbehaved with two minor victim girls by inappropriate touching, hugging and showing his private parts. He also submitted that the petitioner had tortured and injured the minor victim girls and 183 BNSS statement of the minor victim girls has also been recorded.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.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, 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 Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore** and on further conditions that:



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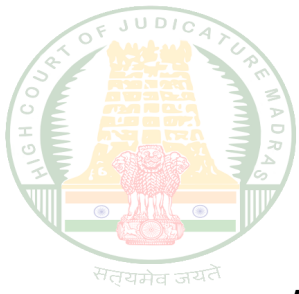
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Ramanathapuram and report before the Inspector of Police, Ervadi Dharga 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*



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[(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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stn

To

1. The learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore.
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.
5. The Inspector of Police, Ervadi Dharga Police Station, Ramanathapuram District.



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A.D.JAGADISH CHANDIRA, J.

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