



CRL O.P. No.1994 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.1994 of 2025

S.Ashok Kumar

... Petitioner / Accused

Versus

The Inspector of Police,
All Women Police Station,
Avinasi, Tiruppur
(Crime No.18 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending investigation in Crime No.18 of 2024 on the file of the respondent Police.

For Petitioner : Mr. T. Sai Krishnan

For Respondent : Mr. A. Gopinath,
Government Advocate (Crl. Side).



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.12.2024, seeking bail in Crime No.18 of 2024 registered for the offence under Sections 5(i), 5(J)(ii) and 6 of POCSO Act.

2. The case of the prosecution is that the petitioner is a distant relative of the victim aged about 16 years; that on the promise of marriage had sexual intercourse with the victim and thus committed the aforesaid offence.

3. Learned counsel for the petitioner would submit that the petitioner was already married and has got two kids; that he was separated from his wife due to misunderstanding; and that the allegations are false and in any case, the petitioner is in custody from 05.12.2024 and since further custody is not required, the petitioner may be released on bail.



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4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that the petitioner is a married person and it is not the case of love affair; and that the statement of the victim has been recorded and final report has been filed.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegations and the age of the petitioner; the statement of the victim; the period of incarceration; the fact that the final report had already been filed; 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



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only) with two sureties, each for a like sum to the satisfaction of the learned Session Judge, Special Court for trial of cases under SC/ST (POA) Act, the Sessions Judge, (FTMC) Mahalir Neetehimandram (FTMC), Tiruppur.

[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***



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Kerala [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 B.N.S.

13.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
All Women Police Station,
Avinasi, Tiruppur

3.The Session Judge, Special Court for trial of cases
under SC/ST (POA) Act, the Sessions Judge, (FTMC)
Mahalir Neetehimandram (FTMC),
Tiruppur.

4.The Superintendent
Central Prison, Coimbatore.



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SUNDER MOHAN. J,

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