



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2104 of 2025

Anand
S/o.Rajan

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
All Women Police Station,
Anna Nagar, Chennai District.

(Crime No.467 of 2024)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.467 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.S.Harish

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.11.2024, seeking bail



in Crime No.467 of 2024 registered for the offence under Section 87 of BNS, 5(1) r/w 6 of POCSO Act, 2012

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2.It is the case of the prosecution that the petitioner and the victim had a love affair since she was 16 years old and that the victim is now aged 19 years and that the first occurrence of penetrative sexual assault took place in the year 2022 and thereafter, the petitioner committed penetrative sexual assault on the victim continuously. Hence, the case.

3.The learned counsel for the petitioner would submit that admittedly it is a case of love affair for a long time and that the petitioner is in custody from 10.11.2024 and his further custody is not required for the purpose of investigation and sought for bail.

4.The learned Government Advocate (Crl. Side) for the respondent would reiterate the prosecution case and submit that it is a case of love affair and the statement of the victim has already been recorded under Section 164 of Cr.P.C.



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. Considering the nature of allegations, the age of the petitioner and the age of the victim and since further custody of the petitioner 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 **Special Court for Exclusive Trial of Cases under POCSO Act**, 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;

[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;

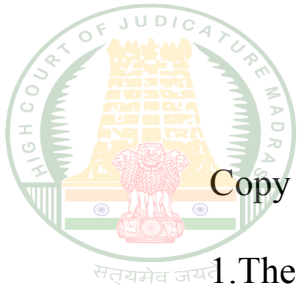
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

18.02.2025

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Copy to:

1.The Inspector of Police,
All Women Police Station,
Anna Nagar, Chennai District.

2.The Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.

3.The Superintendent of Prison,
Central Prison II, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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