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Crl.O.P.No.2278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2278 of 2025

Thangaraj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Salem Town, Salem.
(Crime No.22 of 2024).

... Respondent

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

For Petitioner : M/s. M. Kokila

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



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ORDER

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

2. The case of the prosecution is that, the defacto complainant, who is the mother of the minor victim girl lodged a complaint before the respondent police stating that, when the victim is aged about 4 years went to her Aunt's house, the petitioner herein committed penetrative sexual assault on the minor child and threatened the victim child with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that there is a dispute between the petitioner and the defacto complainant's family, since the petitioner had supported the love marriage of the defacto complainant's daughter and due to which a wordy quarrel had taken place, the defacto complainant lodged a false complaint against the petitioner herein; that the



petitioner has been arrested and remanded to judicial custody on 05.11.2024; that final report has also been filed by the respondent police; and that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, and prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, per contra submitted that the first bail application of the petitioner was dismissed as withdrawn and the 183 BNSS statement of the victim girl confirms the prosecution case; that the final report has been filed in Spl.S.C.No.08 of 2025 and also considering the seriousness of the offence, he vehemently opposed the grant of bail to the petitioner.

5. 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 Section 183 BNSS statement of the victim girl.

6. It is seen that after the earlier application was dismissed as



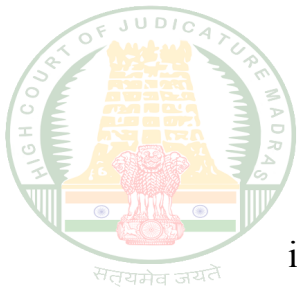
withdrawn the final report has been filed. Hence taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the period of incarceration and since further custody of the petitioner is 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 **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;

[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



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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.

04.02.2025

stn

To

1. The Sessions Judge,
Principal POCSO Court, Salem.
2. The Inspector of Police,
All Women Police Station,
Salem Town, Salem District.



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SUNDER MOHAN, J.

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3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

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