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CrI.O.P.No.2297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

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

CrI.O.P.No.2297 of 2025

E. Ranganathan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
W-7, Anna Nagar All Women Police Station,
Anna Nagar, Chennai - 40.
(Crime No.51 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.51 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. N. Kannan

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



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ORDER

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Petition seeking bail in respect of Crime No.51 of 2024 registered for the alleged offences punishable under Section 9(m) r/w 10 of POCSO Act and Sections 296(b) and 351(1) of BNS, 2023, 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 aged about 55 years and he is suffering from major health issues and a false complaint has been foisted by the defacto complainant, on account of previous enmity and wordy quarrel between her and the petitioner herein, alleging that the petitioner had touched her daughter inappropriately. He also submitted that, it is not a case of penetrative sexual assault and the petitioner is in custody from 04.12.2024 and he 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 defacto complainant, who is the



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mother of the victim girl lodged a complaint against the petitioner herein, stating that he had waylaid her daughter, who is aged about 11 years, on her way to tuition, pinched her ears and touched her body parts inappropriately, when the same was questioned by the defacto complainant, the petitioner in drunken mode, abused the defacto complainant, her sister and the victim girl. He also submitted that 183 BNSS statement of the victim girl has 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 and considering the period of incarceration, 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)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chennai** 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 stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdiction limits of the respondent police station, 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



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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.

30.01.2025

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To

1. The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,
Chennai.
2. The Inspector of Police,
W-7, Anna Nagar All Women Police Station,
Anna Nagar, Chennai - 40.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.



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A.D.JAGADISH CHANDIRA, J.

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