



Crl.O.P.No.2863 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2863 of 2025

Jayaprakash
S/o. Sekar

...Petitioner/Accused

Vs.

1.State rep by
The Inspector of Police,
Kurusilapet Police Station,
Tirupattur District.

... 1st Respondent/Complainant

2.Kavitha Bai

... 2nd Respondent/Defacto complainant

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.358 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Ms.R.Thulasi

For Defacto Complainant :Mr.Arockiyaraj

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.10.2024, seeking bail in Crime No.358 of 2024 registered for the offence under Sections 5(l), 5(j)(ii) r/w Section 6 of POCSO Act, 2012 and Sections 65(ii)(m), 65(i) and 351(3) of BNS, 2023.

2.It is the case of the prosecution that the victim is studying 8th standard in a Government School; that she used to visit her paternal uncle's house at a village in which the petitioner is residing; that while she was going to her paternal uncle's house, the petitioner had waylaid the victim and had committed penetrative sexual assault on her on 10.08.2024 at about 2.00 p.m; that the victim complained of stomach pain on 03.10.2024 to her mother and on further enquiry, the victim revealed that the petitioner had committed penetrative sexual assault on her. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner was arrested on 03.10.2024; that the



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petitioner and the victim had mutual attraction to each other; that the petitioner was detained under Tamil Nadu Act 14 of 1982 and the said detention order was quashed by this Court on 24.01.2025 and in any case, further custody of the petitioner is not required for the purpose of investigation and sought for bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and produced a copy of the statement of the victim recorded under Section 183 of BNSS, 2023 and submitted that investigation has been completed and final report has been filed before the jurisdictional Court.

5.This Court had directed the 1st respondent to inform the victim about the pendency of the bail application. Accordingly, the victim was informed. However, there is no representation on her side. Hence, this Court appointed Mr.Arockiyaraj, Advocate as Legal Aid Counsel for the victim. He stated that the petitioner is guilty of a serious offence and considering the nature of allegations, no indulgence should be shown to the petitioner and sought for



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dismissal of the petition.

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6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record, including the statement of the victim.

7.The petitioner is in custody from 03.10.2024. The final report has been filed. The detention order against the petitioner was quashed by this Court on 24.01.2025.

8.Considering the statement of the victim recorded under Section 183 of BNSS, period of the 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 a certain stringent conditions.

9.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 **Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore District**, 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 Chennai and report before the Flower Bazaar Police Station, everyday at 10.30 a.m., until further orders, except as the dates of hearing before the trial Court.

[c] the petitioner shall appear before the Trial Court on all hearing dates until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

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

[f] 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



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as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***
[(2005)AIR SCW 5560];

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

10.The Legal Services Authority shall pay the fees to Mr.Arockiyaraj,
Legal Aid Counsel for the defacto complainant, as per Schedule.

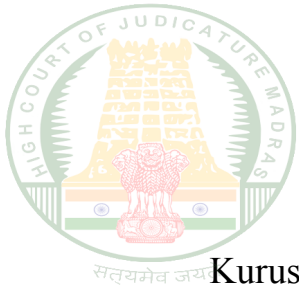
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Copy to:

1.The Inspector of Police,

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Kurusilapet Police Station,
Tirupattur District.

2.The Special Judge for Exclusive Trial of Cases under POCSO Act,
Vellore, Vellore District.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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