



Crl.O.P.No.2417 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2417 of 2025

Mohammed Rizwan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(Crime No.06 of 2025).

... 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.06 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. W. Camyles Gandhi

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



CrI.O.P.No.2417 of 2025

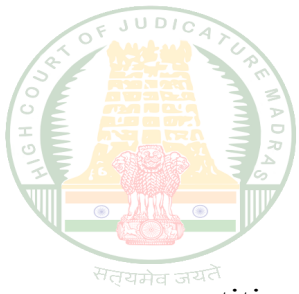
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ORDER

Petition seeking bail in respect of Crime No.06 of 2025 registered for the alleged offences punishable under Section 11(iv) r/w 12 of POCSO Act, 2012 and Section 351(2) of BNS, is on board for consideration.

2. The case of the prosecution is that, the defacto complainant is the father of the victim girl, lodged a complaint before the respondent police stating that the petitioner herein forced his minor daughter to accept his love offer and threatened her with dire consequences, if she did not do so. 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 the petitioner and the defacto complainant's daughter were in a love affair and submitted the whatsapp conversation between the petitioner and the defacto complainant's daughter; that the defacto complainant aggrieved over his daughter, talking to the petitioner had lodged this instant false complaint, and hence, the petitioner was arrested and remanded to judicial custody on 12.01.2025; that the



Crl.O.P.No.2417 of 2025

WEB COPY

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, therefore, prayed to grant bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, per contra submitted that the petitioner had harassed the defacto complainant's daughter; that the petitioner had committed a grave offence and that the Section 164 Cr.P.C statement of the defacto complainant's daughter is yet to be recorded.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record and also the whatsapp messages between the petitioner and the defacto complainant's daughter.

6. 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 fact that the petitioner is not a stranger to the defacto complainant's minor daughter, the nature of their relationship,



CrI.O.P.No.2417 of 2025

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 **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore** 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 on every Monday and Thursday 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



CrI.O.P.No.2417 of 2025

WEB COPY

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 Special Court for Exclusive Trial
of cases under POCSO Act, Coimbatore.
2. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.



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Crl.O.P.No.2417 of 2025

SUNDER MOHAN, J.

stn

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

Crl.O.P.No.2417 of 2025

04.02.2025