



Crl. O.P. No.2874 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2874 of 2025

Arun M/24
S/o. Govindaraj

... Petitioner/Accused-1

Vs.

State represented by its
The Inspector of Police,
Tirupathur AWPS
Thirupathur District
(Crime No.20 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail, in connection with the Crime No.20 of 2024, on
the file of the respondent Police.

For Petitioner : Mr. T. Shanmugam

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

For Defacto
Complainant : Mr. S.K. Chandrakumar



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.11.2024, seeking bail in Crime No.20 of 2024 registered for the offences punishable under Sections 332(b), 65(1) & 351(2) of BNS, 5(j)(ii), 5(I) & 6 of POCSO Act.

2. This is the second bail application before this Court. The earlier bail application in Crl.O.P. No.31939 of 2024 was dismissed as withdrawn on 01.01.2025 by Hon'ble Mr. Justice A.D.Jagadish Chandira, and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner and the victim were known to each other; that the victim was working in a Provision Stores; that the petitioner used to go to the said shop for purchasing provisions; that the petitioner asked water from the victim girl and when she went to fetch water from the house the petitioner followed her and committed penetrative sexual assault; that he had



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repeated the sexual assault for the second time and thereafter threatened her of dire consequences if she reveals this fact to anyone; that the victim girl thereafter did not reveal this fact to any person and when her menstrual cycle skipped, her mother took her to the Doctor, who found from a scan that the victim became pregnant. Thus the petitioner committed the aforesaid offence.

4. The learned counsel for the petitioner would submit that the allegations against the petitioner are false and in any case even if the allegations are accepted to be true, it only reveals consensual relationship and therefore considering the period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, he sought for bail for the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the earlier bail application filed by the petitioner was dismissed as withdrawn on 07.01.2025 in Crl.O.P. No.31939 of 2024; that now the investigation has been completed and the final report has been filed and that the victim girl was aged 14 years at the time of occurrence. He produced the Section 183 BNSS statement of the victim.



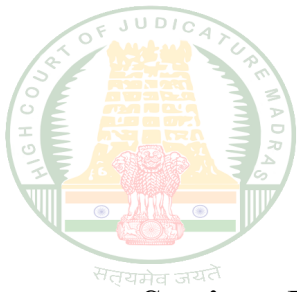
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6. Mr. S.K. Chandrakumar, learned counsel appearing for the defacto complainant would submit that the petitioner had committed grave offence against the victim girl aged about 14 years and hence considering the gravity of the offence, the petitioner would not be entitled to bail.

7. This Court perused the Section 183 BNSS statement of the victim. It is seen from the statement that the victim girl did not complain about the alleged act to her mother. It is also seen that the victim girl and her parents were reluctant and did not want to lodge a complaint. The above fact alone would not exonerate the petitioner. However, considering the period of incarceration and since the final report has been filed and further custody of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **District and**



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Sessions Judge, Tirupattur 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 report before the trial court, on all the working days 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]***;



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

The trial Court may conduct the trial as expeditiously as possible.

19.03.2025

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To

1. The District and Sessions Judge, Tirupattur District
2. The Inspector of Police,
Tirupathur AWPS
Thirupathur District
(Crime No.20 of 2024)
3. The Superintendent, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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