



Crl.O.P.No.2967 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2967 of 2025

Vijay
S/o.Manoharan

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
AWPS Town Police Station,
Salem.

(Crime No.5 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.5 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Shanmugam

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 21.01.2025, seeking bail in Crime No.5 of 2025 registered for the offence under Section 332 of BNS and 5(1) r/w 6 of POCSO Act, 2012 and later altered into Section 330(c) of BNS and 7 r/w 8 of POCSO Act, 2012.

2.It is the case of the prosecution that the victim aged 17 years and the petitioner had a love affair and that the petitioner, on the promise of marriage, had seduced the victim girl, hugged her and had sexual intercourse. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that initially FIR was registered under Section 332 of BNS and Section 5(1) r/w 6 of POCSO and the same was altered to Section 330(c) of BNS and Section 7 r/w 8 of POCSO, 2012. He further submitted



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that the allegations with regard to penetrative sexual assault is therefore false and in any case, the petitioner is in custody from 21.01.2025.

4.Per contra, learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that 164 statement of the victim was recorded and he has also produced same before this Court.

5.A perusal of 164 statement would show that the petitioner had hugged and kissed the victim. The victim further asserted that the petitioner has not committed any other act.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7.Considering the nature of allegations, the relationship between the victim and the petitioner and since further custody of the petitioner is not



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required for the purposes of interrogation, this Court 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 **Special Court POCSO, 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 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



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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 B.N.S.

06.02.2025

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Copy to:

- 1.The Inspector of Police,
AWPS Town Police Station,
Salem.
- 2.The Special Court POCSO, Salem.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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