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Crl.O.P.No.3326 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.3326 of 2025

Venkatesh

S/o. Parasuram

...Petitioner/Accused

Vs.

1.State rep by
The Inspector of Police,
J-8, AWPS, Thiruvanmiyur,
Chennai.
(Crime No.10 of 2024)

2.Kalpana

...

Respondents

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Spl.S.C.No.332 of 2024 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.S.Senthilvel

For Defacto complainant: M/s.S.Valarmathi

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

**ORDER**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.10.2024, seeking bail in Crime No.10 of 2024 registered for the offence under Sections 65(1) and 351(2) of BNS, 2023 and Sections 5(l), 5(n), 6(1) of POCSO Act.

2.It is the case of the prosecution that the petitioner is the father of the victim girl aged 13 years and studying in 9th standard; that while she was studying 6th standard, the petitioner committed sexual assault on her; that on 02.10.2024, when the petitioner's wife i.e., the victim's mother had gone out for job, the petitioner had committed penetrative sexual assault on the victim girl and thereafter, on the complaint lodged by the defacto complainant, the case was registered and the petitioner was arrested on 04.10.2024. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the victim girl has been instigated by her mother with whom he had matrimonial differences and that in any case, since final report has been filed, further custody of the petitioner is not required and sought for bail.



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4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that final report has been filed and the case is now posted for appearance of the accused on 11.03.2025 before the Special Court for Exclusive Trial of Cases under POSCO Act, Chennai.

5.Since the petitioner was charged for the offences under Sections 65(1), 351(2) of BNS, 2023 and Sections 5(l), 5(n), 6(1) of POCSO Act, the mother of the victim was informed about the pendency of the bail petition through the respondent. However, the defacto complainant has not chosen to engage a counsel. Hence, this Court appointed Mrs.S.Valarmathi, Advocate as Legal Aid Counsel to represent the defacto complainant. She submitted that the petitioner is the biological of the victim and considering the seriousness of the offence, the petitioner may not be released on bail.

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.

7. It is seen that the petitioner was arrested on 04.10.2024. The final



report has been filed. The case is now posted for trial.

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8. Considering the aforesaid facts and since further custody of the petitioner is not required for the purpose of investigation, this Court inclined to grant bail to the petitioner on 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)** with **two sureties**, each for a like sum to the satisfaction of the **Principal Special Court of Exclusive Trial 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 Vellore and report before the **All Women Police Station, Vellore**, everyday at 10.30 a.m., except on the **Court hearing dates, until further orders.**

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



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[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 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 Mrs.S.Valarmathi, Legal Aid Counsel for the defacto complainant, as per schedule.

04.03.2025

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Copy to:

1.The Inspector of Police,



J-8, AWPS, Thiruvannamipur,
Chennai.

2. The Principal Special Court of Exclusive Trial Cases under POCSO Act,
Chennai.

3. Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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