



Crl. O.P. No.3550 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3550 of 2025

R.Balasakthi

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
All Women Police Station,
Thirukoilur AWPS Police Station,
Kallakurichi District.
(Crime No.66 of 2024)

... Respondent

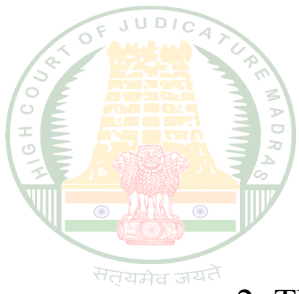
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.66 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Balachandran

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.09.2024, seeking bail in Crime No.66 of 2024 registered for the offence under Sections 15(n), 5(j)(ii), 6 of POCSO Act, 2012.



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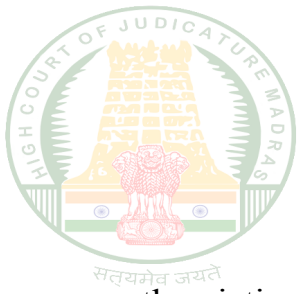
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2. The case of the prosecution is that the petitioner is the uncle of the victim child aged about 14 years; that on 16.01.2024, when the petitioner and victim girl were alone in the petitioner's house, the petitioner had committed penetrative sexual assault; that thereafter, the victim girl did not disclose the said fact; that later the mother of the victim girl on suspicion, took the victim girl to the hospital and when she found that the victim girl was pregnant, she lodged a complaint against the petitioner.

3. Learned counsel appearing for the petitioner submitted that though the earlier bail application was dismissed since there was a detention order against the petitioner, now the said order was quashed on 24.01.2025, and hence considering the period of incarceration and the fact that the final report has been filed, he may be released on bail.

4. Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and vehemently opposed for grant of bail to the petitioner and further submitted a copy of 183(3) BNS statement.

5. On perusal of the 183(3) BNS statement, it is seen that the petitioner and



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the victim are closely related to each other. Though the alleged act appears to be consensual, it certainly does not justify the petitioner's conduct. However, considering the aforesaid facts, the nature of allegation, the period of incarceration and the fact that the final report has been filed, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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 **Principal Special Court for Exclusive Trial of Case under POCSO Court at Kallakurichi.**

[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, daily at 10.30 a.m., until further orders;

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



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[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]***;

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

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To

1. The Principal Special Court for Exclusive Trial of Case under POCSO Court at Kallakurichi.
2. The Inspector of Police,
All Women Police Station,
Thirukoilur AWPS Police Station,
Kallakurichi District.
3. The Superintendent, Sub-Jail, Vempampattu, Villupuram District.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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