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Crl.O.P.No.3219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3219 of 2025

P.Tamizharasan @ Tamil

... Petitioner

Vs.

State, Represented by
The Inspector of Police
AWPS Mylapore Police Station
Chennai.(Crime No. 09 of 2024)

... Respondent

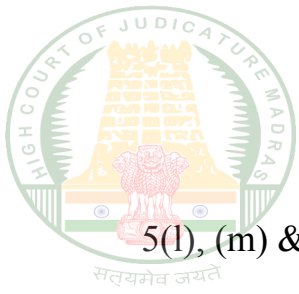
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in connection with the Spl. S.C.No.259 of 2024 pending investigation on the file of the learned Sessions Judge, Special Court of Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.M.Vinoth Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 31.08.2024, seeking bail in Spl. S.C.No.259 of 2024 pending investigation on the file of the learned Sessions Judge, Special Court of Exclusive Trial of Cases under POCSO Act, Chennai in connection with Crime No.09 of 2024 registered for the offence under Sections



5(1), (m) & (n) r/w.6 & 17, 21(1) of POCSO Act and Section 131 of BNS.

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2.The case of the prosecution is that the petitioner is the step father of the victim, who is aged about 3.5 years that on 15.08.2024, the petitioner had bitten the victim all over the body and was taken by the petitioner to the hospital, where he had given a false statement that the victim was bitten by a child in the neighbourhood.

3.Learned counsel appearing for the petitioner submitted that even the allegations are accepted to be true, the offence u/s.5(1), (m) & (n) of the POCSO Act, would not be made out. He further submitted that, in any case, considering the period of incarceration, the petitioner may be released on bail. The learned counsel further submitted that the de facto complainant who is the grandmother of the child has admitted that her daughter is living with the petitioner, without her consent and due to which she has falsely implicated him in this case.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and produced the statement of the victim recorded u/s.164 of Cr.P.C, and the statement of the grandmother/de facto complainant.



WEB COPY 5. 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.

6. A perusal of the statement of the victim recorded u/s.164 of Cr.P.C, and the statement of the grandmother/de facto complainant suggest that the victim had bite marks and the victim had stated that the petitioner had bitten her. Considering the nature of allegation, the statement of the victim recorded u/s.164 of Cr.P.C, period of incarceration undergone by the petitioner and the fact that final report has already been filed, this Court finds that further custody of the petitioner is not necessary. Therefore, 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 **Sessions Court POCSO Court, 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



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Aadhar card or Bank pass Book to ensure their identity;

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[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 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.

10.02.2025

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SUNDER MOHAN, J.

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To

1.The Sessions Judge,
POCSO Court, Chennai

2.The Inspector of Police
AWPS Mylapore Police Station
Chennai.

3.The Superintendent,
Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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