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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.3235 of 2025

Mohamed Salayha

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Vellore All Women Police Station,
Vellore District.

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.2 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

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 18.01.2025, seeking bail



in Crime No.2 of 2025 registered for the offence under Section 11(ii), 11(iv) r/w 12, 9(l) r/w 10 of POCSO Act, 2012.

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2.It is the case of the prosecution that the petitioner is the Maths Teacher and had induced the victim girl aged 15 years and made her expose her naked body through video call and subsequently on a different date the petitioner had touched her breast and also asked the defacto complainant for sexual favours. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner never took any video coverage of the victim; that the petitioner has been dismissed from service and that his mobile phone has also been seized and in any case, custodial interrogation of the petitioner is not required and hence, he prays for the grant of bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and produced a copy of the statement of the victim recorded under Section 164 of Cr.P.C.



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 under Section 164 of Cr.P.C., confirms the prosecution case. However, considering the aforesaid facts, period of incarceration, 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:

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 **Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore**, 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;

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

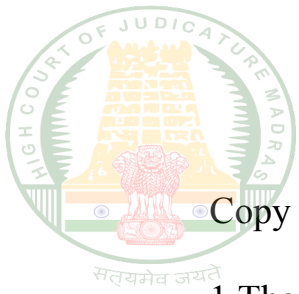
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

26.02.2025

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Copy to:

1. The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
2. The Special Judge for Exclusive Trial of Cases under POCSO Act,
Vellore.
3. Central Prison, Vellore.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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