



CRL O.P. No.4129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Mukkappan @ Mukkaiyan

... Petitioner / accused

Versus

The State Rep. By
The Inspector of Police,
All Women Police Station,
Erode.
Crime No.13 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending investigation in Crime No.13 of 2024 on the file of the respondent Police.

For petitioner : Mr. K. Sendurpandi.

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 18.05.2024,



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seeking bail in Crime No.13 of 2024 registered for the offence under Sections 5(m), 5(n), 5(l) read with 6 of POCSO Act, 2012 and 506 (i) of IPC.

2.The case of the prosecution is that the petitioner is the biological father of the victim aged about 10 years; that the victim girl is the daughter of the petitioner and his third wife; that his third wife had left the matrimonial house and thereafter, the victim was sent to a Home; that when the victim visited the house of the petitioner, the petitioner abused her sexually and also committed penetrative sexual assault. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person had only taken care of the victim child and he has been falsely implicated in this case; that since, he had a dispute with the Headmaster of the School who had refused to issue transfer certificate to the victim, this case was lodged by the school authority against him. He further submitted that the petitioner is in custody from 18.05.2024 and he is ready to abide by any stringent conditions that may be imposed by



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this Court and since further custody is not required, the petitioner may be released on bail.

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4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that the investigation has been completed and final report has been filed which is yet to be taken on file and also produced the statement of the victim and the accident register.

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

6.This Court had perused the statement of the victim and the entries made in the accident register. The doctor had observed as follows; '1)No evidence of recent injuries over the external genitalia; 2)No evidence of any external injuries all over the body'. Considering the aforesaid facts; nature of allegations; the period of incarceration; that the final report has been filed, this Court is of the view that further custody is not required for the purpose of investigation and inclined to grant bail to



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the petitioner with conditions.

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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 learned Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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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.

24.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
All Women Police Station,
Erode.

3.The Sessions, Magalir Neethi Mandram,
(Fast Track Mahila Court),
Erode.

4.The Central Prison,
Coimbatore.



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SUNDER MOHAN. J,

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