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Crl.O.P.No.3894 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3894 of 2025

Venkatachalam

... Petitioner

Vs.

The State represented by
Inspector of Police
AWPS Ammapet, Salem City
(Crime No.48 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.48 of 2024 on the file of the respondent.

For Petitioner : Mr.J.Franklin

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.12.2024, seeking bail in Crime No.48 of 2024 registered for the offence under Section 5(m)/5(n), r/w.6 of POCSO Act, and Section 351(3) of BNS (506(ii) of IPC).

2.The case of the prosecution is that the petitioner is the paternal uncle of the victim, that when the parents of the victim were not in the house, the petitioner had removed the under garment of the victim and had placed his private part on the private part of the victim girl and thus committed the aforesaid



Crl.O.P.No.3894 of 2025

offences.

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3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity the petitioner has been falsely implicated in this case. He also submitted that the petitioner is under custody from 08.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate produced the copy of statement of the victim girl recorded u/s.183 of BNSS and connected medical records.

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, including the statement recorded u/s.183 of BNSS and connected medical records.

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the fact that penetrative sexual assault is not made out, the medical records suggests that no local injuries were noted, considering the relationship between the parties, and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner



Cr1.O.P.No.3894 of 2025

with certain 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 Sessions Judge, Principle POCSO Court, Salem, 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;

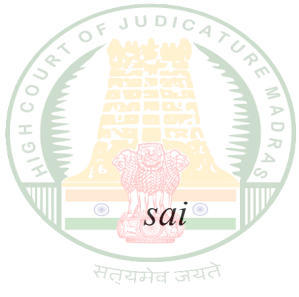
[c] the petitioner shall not abscond either during investigation or trial;

[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 of B.N.S.

03.03.2025



WEB COPY



Cr1.O.P.No.3894 of 2025



CrI.O.P.No.3894 of 2025

SUNDER MOHAN, J.

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To

1.The Sessions Judge, Principle POCSO Court, Salem

2.The Inspector of Police
AWPS Ammapet
Salem City

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.3894 of 2025

03.03.2025