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Crl.O.P.No.4097 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.4097 of 2025

Selvakumar

...Petitioner / Accused No.2

Vs.

The State Rep. By
The Inspector of Police,
AWPS Vaazhapadi,
Salem District
(Crime No.03 of 2025)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of arrest in connection with Crime No.03 of 2025 on the file of the respondent police station.

For Petitioner : Ms.Rithika S

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 11(i) r/w 12 of the POCSO Act, 2012, in Crime No.03 of 2025 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the victim girl was studying 12th standard in a Government School; that the first accused, who was working as a teacher in the same school, had committed sexual harassment in a marketplace; that the *de-facto* complainant complained about the said act to the petitioner/A2; and that the petitioner had advised the *de-facto* complainant to wait for some more time. Hence, the case.

3. Learned counsel for the petitioner/A2 would submit that the only allegation against the petitioner is that the complaint of the victim was not taken seriously and he did not inform to the higher officials; and that considering the nature of the allegation against the petitioner, the custodial interrogation is not required and sought anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and confirmed the fact that the allegation against the petitioner is that he did not take the complaint of the victim seriously, and he did not inform higher officials.

5. Heard both sides and perused the materials available on record.

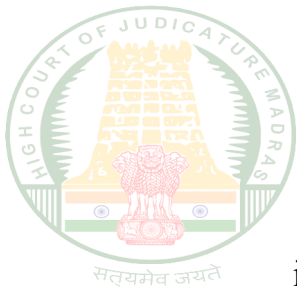


6. Considering the nature of the allegations against the petitioner/A2 and since the main allegation is against A1 of sexual harassment, this Court is of the view that the custodial interrogation of the petitioner/A2 is not required for the purpose of investigation. Hence, anticipatory bail is granted to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Special Court for Exclusive Trial of POCSO Act cases, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition 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 as and when required for the interrogation;



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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 of B.N.S.

18.02.2025

dk

To

1.The Special Judge,
Exclusive Trial of Pocso Cases, Salem.

2.The Inspector of Police,
AWPS Vaazhapadi,
Salem District.

3.The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN,J.
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