



WEB COPY



Crl.O.P.No.5202 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.5202 of 2025

K.Elaiyaraja

... Petitioner

Vs.

State of Tamil Nadu
Rep. by Inspector of Police
W-16, Pulianthope AWPS
Chennai 600012
(Crime No.2 of 2025)

... Respondent

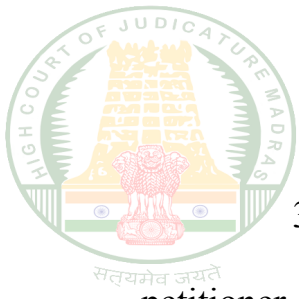
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.2 of 2025 on the file of the respondent.

For Petitioner : Mr.D.Percivul Pericles
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 04.01.2025, seeking bail in Crime No.2 of 2025 registered for the offence under Section 9(l), r/w.10 of POCSO Act 2012,

2.The case of the prosecution is that the petitioner and the victim girl were neighbours, on the date of occurrence the petitioner entered into the house of the victim, touched her private part and asked for sexual favour, when the victim girl refused, he had assaulted her.



Crl.O.P.No.5202 of 2025

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner is suffering from HIV. Hence, he prayed for grant of bail to the petitioner.

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 medical examination report of the victim girl.

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. of the victim girl and medical examination report of the victim.

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the fact that there is no allegation of penetrative sexual assault, the final report has been filed before the trial Court, and since further custody is not required for the purpose of interrogation, 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



Crl.O.P.No.5202 of 2025

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 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 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

sai



CrI.O.P.No.5202 of 2025

SUNDER MOHAN, J.

WEB COPY

sai

To

1.The Special Judge for POCSO Court, Chennai

2.The Inspector of Police
W-16, Pulianthope AWPS
Chennai 600012

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

4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.5202 of 2025

03.03.2025