



CRL O.P. No.4568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4568 of 2025

Aadhisivanesan

... Petitioner / Accused

Versus

State Rep. By
The Station House Officer,
Portonova Police Station,
Cuddalore District.
(Crime No.326 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.326 of 2024 on the file of the respondent Police.

For Petitioner : Mr. S.C. Vishwanth.

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 21.12.2024,



CRL O.P. No.4568 of 2025

seeking bail in Crime No.326 of 2024 registered for the offence under Sections 5(n), 5(l), 6 of POCSO Act.

WEB COPY

2.The case of the prosecution is that the petitioner had love affair with the defacto complainant; that he had gone to Malaysia for a job; that he had an affair with the girl there and he returned to India and thereafter, had love affair with the victim's elder sister; that when the victim told the sister, the petitioner thereafter started harassing the victim and asked her to continue the relationship with him; that he assaulted the victim and also humiliated the victim's parents and victim.

3.The learned counsel for the petitioner would submit that the recent occurrences do not suggest that the petitioner had committed penetrative sexual assault. The alleged allegation of penetrative sexual assault took place, when the victim was studying in ninth standard; that the victim had not given any complaint at that time. He further submitted that the petitioner is in custody from 21.12.2024 and since further custody is not required, the petitioner may be released on bail.



CRL O.P. No.4568 of 2025

WEB COPY

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that the victim had given her statement and had produced a copy of the said statement and submitted that the final report is ready.

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. On perusal of the said statement of the victim, it is seen that the allegations with regard to the penetrative sexual assault is when the victim was studying in ninth standard; and that the victim is now aged 17 years. The grievance of the victim now is that the petitioner had abused her and assaulted her. Considering the aforesaid facts, the nature of relationship and since investigation is completed; the period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with conditions.



CRL O.P. No.4568 of 2025

WEB COPY

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 Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.

[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



WEB COPY



CRL O.P. No.4568 of 2025

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.

20.02.2025

ay

To

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

2.The Station House Officer,
Portonova Police Station,
Cuddalore District.

3.The Special Court for Exclusive Trial
of Cases under POCSO Act,
Cuddalore.

4.The Central Prison,
Cuddalore.



WEB COPY



CRL O.P. No.4568 of 2025

SUNDER MOHAN. J,

ay

CRL O.P. No.4568 of 2025

20.02.2025